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March, 1924.

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	347	945	230
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LAND SERVICE BULLETIN

DEPARTMENT OF THE INTERIOR GENERAL LAND OFFICE

By direction of the Secretary of the Interior the matter contained herein is published as administrative information and is required for the proper transaction of public business.

Vol. 8. March 1, 1924. No. 1.

LAND DECISIONS AND LAND SERVICE BULLETIN.

* * * *

Bound copies of Volume 49 of the "Land Decisions" of the Department of the Interior are now ready for delivery. This volume covers the decisions and instructions of the Department from May 1, 1922, to July 31, 1923, and it is an interesting fact to note that the subject of most frequent decision is found under the general head of "Homestead," with "Oil and Gas" a close second. In the preceding volume of Land Decisions the reverse was true. This fluctuation in the line of land litigation serves to emphasize the fact that individual interest in the acquisition of a home or a farm still keeps the center of the stage, notwithstanding the possibilities of sudden wealth in the "wild cat" oil field and that our remaining public lands yet afford an attractive field for the operation of the settlement laws.

On the receipt of this volume it should be given a careful review, as a failure to note actions taken, or instructions given, may easily prove very disastrous to the interest of applicants or parties litigant, as well as embarrassing to the service.

With the completion of Volume 49 of the Land Decisions, the Land Service Bulletin celebrates its eighth birthday, and during the year that follows will endeavor to keep the service advised as to all matters of decision and regulation affecting the disposition of its current work. It is believed from the testimony that comes from many quarters, that as time goes by, and the service becomes better acquainted with the scope of the Bulle-

tin's mission, that its value as an administrative adviser has been thoroughly demonstrated. This at least is the purpose of the publication as an aid and assistant in the greater field occupied by the Land Decisions.

SURVEY NOTES

In Washington, D. C.

The Supervisor of Surveys, Mr. Frank M. Johnson, has been in conference with the Department and the General Land Office since the middle of January. In addition to the various administrative matters that have been taken up by the Secretary and the Commissioner, several important technical problems have been discussed with the Surveying Division of the General Land Office.

The Associate Supervisor of Surveys, Mr. A. D. Kidder, returned from Red River, Oklahoma, the latter part of January, where in company with Mr. A. A. Stiles, the other Commissioner of the United States Supreme Court, he has been engaged during the winter on field duties. While his time has been largely devoted to the preparation of his report, he has been able to give some attention to administrative matters affecting the Eastern Surveying District.

During the past month the following-named Engineers have been on duty in the Surveying Division under details authorized by the act of January 24, 1923 (Public 395): J. C. Thoma, E. G. Harrington, Fred Mensch, C. S. Swanholm, A. P. Warner, W. R. Bandy, H. W. Miller and Everett Kimmell. With this assistance the arrearage of work involved in examining the returns of pending surveys before the General Land Office has been almost completely wiped out.

Manual of Surveying Instructions:

As announced in the February issue of the Bulletin, the Manual Board in proceeding with the preparation of the remaining chapters of the Manual has decided to enlist the cooperation of the offices of the U. S. Surveyors General in the assembling of certain basic data and in constructing specimen plats and field notes for consideration. The five offices of Surveyors General called upon on January 19, 1924, for specimen plats and field notes of surveys and resurveys, were selected with reference to their breadth of experience in the particular fields of work involved, namely: In straightway original surveys and in resurveys of both the independent and dependent types. In other words, those states where virgin surveys are carried forward, without the complication of fragmentary or special surveys, were called upon to submit specimen returns of an original survey of a township, while the States where the original surveys are of long standing, or fraudulent in character,

and hence the greatest experience has been had in resurveys were asked for cooperation in the preparation of returns of resurveys. These are but the initial requests of the Board and it is anticipated that as the work progresses, especially in connection with the chapter on special or fragmentary surveys, other offices, where experience has been gained in that field of work, will be drafted into the service.

Early Surveys in Ohio:

As a side light on the system of subdividing the lands in southwestern Ohio between the Great and Little Miami Rivers, the following is quoted from a letter dated February 21, 1924, emanating from the Surveying Division:

"The lands in southwestern Ohio between the Great and Little Miami Rivers were subdivided into townships, ranges, and sections upon a basis different from that employed elsewhere in the United States, by denominating the six-miles-square rectangles, townships as progression is made from west to east from the former to the latter river, and calling them ranges from south to north. The sections were also numbered in accordance with the ordinance of May 20, 1785, by beginning with number one in the southeast corner of the township and numbering the sections consecutively from south to north, to number six in the northeast corner of the township, and the next range of sections to the west with number seven on the south line of the township and again numbering to the north and so on, terminating with number thirty-six in the northwest corner of the township."

Survey of Island in Great Salt Lake:

The returns of survey of Carrington Island, executed under Group No. 106, Utah, were received for final examination during the past month. This island is situated in the south end of Great Salt Lake and was found to cover an area of nearly 1,700 acres.

The engineer's report shows that the summit of the island is covered with excellent roofing slate; that it is devoid of fresh water and infested with mice. No minerals or guano were found on the island, although vast quantities of guano are found on Hat or Bird Island only a few miles to the north.

The island was named in honor of Albert Carrington, Esq., an assistant of Howard Stansbury, Captain in the Topographic Engineer Corps, U. S. Army, who had made extensive explorations and surveys in Great Salt Lake Valley in 1849 and 1850.

Alaska Surveys:

During the past month the survey of Skagway Public Park, designated survey No. 1499, was accepted and the plats are now being prepared for official filing, and the plats of the accepted surveys of the subdivisions of Craig and

Hyder townsites, designated surveys No. 1430 and 1428, respectively, were transmitted for official filing. The disposal of the lots in these townsites will be made by George A. Parks, Chief of Field Division.

New Instruments Soon Available:

The supply of 14 solar transits, which were ordered early in the winter, will soon be received from the makers and will then be available for distribution among the several surveying districts.

Word has been received from the Buif and Buif Manufacturing Company that the 8 solar transits which were ordered from them are completed and await inspection prior to delivery. One of the transits has been shipped to Washington for inspection by the field engineers who are now detailed to the Surveying Division, prior to the inspection of the balance of the order.

It is expected that the 6 solar transits ordered from W. & L. E. Curley will soon be ready for inspection and delivery, and it is also proposed to have one of those transits shipped to Washington for similar inspection by the field engineers.

These transits embody the latest developments and are considered to be superior to any other solar transits to be had. The type of solar transit now in use in our surveying work has been developed by the General Land Office and is adapted particularly for our surveying work.

Red River:

On February 23, 1924, instructions were approved under Group 3, Oklahoma, for the survey of lands fronting certain Indian allotments adjacent to the Red River in Ts. 4 and 5 S., R. 14 W., Indian Meridian.

The case is of interest in that it constitutes the first distribution on allocation of river bed lands within the receivership area since the court assumed jurisdiction, and it is further notable in that it rests upon a definition of the rights involved as announced by the United States Supreme Court, and upon the construction placed upon the decree of the court by the Department in its letter of instructions to the Commissioner of the General Land Office, dated December 22, 1923.

The court having ruled that the portions of the river bed appurtenant to the several allotments were those north of the medial line of the river "in front of" the upland lots or legal subdivisions comprised in those allotments, the direction of the partition lines became the question immediately at issue; there was also involved the related question of the basis for proportional measurement, if and where that method of distribution was deemed applicable.

By its decision above cited, the Department held that no distinction should be made between the accretion lands lying north of the cut-bank and the portion of the river bed lying between the said bank and the medial line of the

river, thus immediately disposing of the second question at issue and restricting the basis for proportional measurement to the frontage upon the original meander line as restored.

In the matter of the direction of the partition lines, the decision of the Department is, in effect, substantially as follows: That along tangents and where in general the course of the river (construed as that of the medial line as determined by the most recent survey thereof) is practically parallel with the original meander line frontage on the river bank, the lines of partition will be projected on courses normal to the medial line, and that where the foregoing condition does not prevail, and the curvature is so irregular or the degree thereof so great that normal projection becomes inappropriate or results inequitably, the principles of proportional measurements shall be applied between points of normal projection or between one such point and a point where the medial line and the original meander line become coincident.

The foregoing opinion of the Department and the procedure authorized in this case will no doubt form a precedent of rather wide application where similar conditions are encountered in the execution of the public land surveys.

HARDING TOWNSITE SALE.

On February 12, 13, and 14 the lots in the Harding Townsite, Florida, which is about 6 miles north of Miami Beach, were sold at public auction to the highest bidder. The land in said townsite was originally a part of the Coast Guard Reservation, reserved, in part, since 1875 and the balance since 1891. The Coast Guard Service finding that it did not require all the land reserved turned over, through the President's proclamation, to this Department about 45 acres, which were later platted into lots, streets, and alleys and named the Harding Townsite. The lots were appraised early in 1922 at from \$350 to \$1,000 with a total valuation of about \$60,000. The tracts about the Atlantic Ocean on the east and Biscayne Bay on the west and is a very desirable tract for townsite purposes. The regulations for the sale were issued in October, 1923, fixing the date as February 12, 1924, which was contemplated to be about the height of the tourist season in Florida. Immediately upon the promulgation of the regulations and the distribution thereof and of the plats of survey, great interest was shown in the proposed sale by the general public in the States east of the Mississippi River and it was predicted that at least twice the appraised value of the land would be received. On the morning of the sale between 3,000 or 4,000 people were present and the first lot offered appraised at \$1,000 was started at \$1,500. The bids were made quickly and raises were from \$50 to \$2,000 at a time until the sum of \$11,750 was bid at which the lot was sold. That rather set the standard for the sale of the balance of the lots. The highest price paid for any one lot which is an ocean front corner lot brought \$13,000 or 13 times the appraised value. The lowest priced lot in the center of the townsite sold for \$975. The total sales amounted to \$386,400 with 5 lots yet to be sold, on account of payments therefor not having been made on the date of the sale. The sum realized is probably the largest ever received by the Federal Government for the amount of land involved. It is understood that the purchasers immediately formed an association with a view to beginning improvements and that the class of people who bought the lots and enterprise shown, the townsite, in a short time will be improved in keeping with privately owned lands in that vicinity.

LANDER LAND DISTRICT REPORT.

The Daily Casper Tribune carries a very full story of the public land situation in the Lander land district, for which we are under obligations to Mr. Wright, the Register, at Lander. Extracts from this informative story follow:

LANDER DISTRICT.

In the Lander District the vacant unappropriated land is distributed by counties as follows:

<u>County.</u>	<u>Acres.</u>
Fremont	1,133,997
Big Horn	151,552
Hot Springs	640,845
Park	93,127
Washakie	3,155
Total.	2,022,676

The reader wonders, no doubt, what sort of land is this remaining land. The question answers itself. It is what is left after many years of picking over by those who have come before to build their homes and fortunes. Congress recognized this fact by passing the stock-raising homestead act on December 29, 1916, which entitles a qualified entryman to 640 acres instead of 160 which the early pioneers obtained and 320 of which those since February 19, 1909 were entitled. It is therefore under the stock-raising act that most of the lands are now being taken.

In this district there are two reclamation projects: The Shoshone with offices at Powell, Wyoming, and the Riverton with offices at Riverton, Wyoming.

Irrigation in District:

The Shoshone project delivered its first water for irrigation about sixteen years ago and the acreage actually irrigated during 1923 was 42,780 acres. There has been expended by the Government for construction on this project to June 30, 1923, over \$8,000,000. There has been returned to the Government a little over \$600,000 by the water users to apply on this account. The Government has paid out to June 30, 1923, for operation and maintenance \$616,347.91, and the water users have paid on this account \$418,798.89.

The Riverton project which is now under construction and which will supply water for lands in the vicinity of the towns of Riverton, Lander, and Shoshoni will cost, according to the original estimate \$6,777,025. There has been expended to date on this project \$1,650,000. Approximately 100,000 acres of land will eventually be irrigated on this project. No water for irrigation purposes will be delivered until about May 1, 1925, at which time it is expected about 10,000 acres will be opened for homestead entry. About 250 men are constantly employed on this project and the monthly payroll equals about \$35,000 per month.

No important discovery of oil has been made during the year in this district and wildcat drilling is at a minimum.

The Union Oil Company which has several producing wells in the Maverick Springs field has filed an application for the pipeline right of way from the field to a point on Big Wind River near Shoshoni. To what point this oil will eventually be transported for treating purposes is not known.

REVENUE FROM THE DISPOSITION OF PUBLIC LANDS.

Enormous revenues have been secured by the United States Government in the sale of its public lands, according to a tabulation just completed by the Department of the Interior through the General Land Office.

The figures representing receipts and expenditures since the beginning of the Nation's history up to June 30, 1923, show that the net profits amount to \$339,411,874. The aggregate receipts from the sale of public lands total \$491,300,484 exclusive of sales of Indian lands, while the expenditures reached \$151,888,609. No other country in the world, it is believed, has ever made so much money out of its public domain.

In addition the tabulation shows that the Government has paid out \$88,157,389 for purchase and cessions of lands of its public domain, and has paid to the Indians in quieting and purchasing their titles to portions of public lands as well as annuities a total of \$208,776,031.

Because the records go back over one hundred years it was necessary for the General Land Office in order to obtain accurate data to first figure out the total cost of administering the public domain up to June 30, 1883, which amounted to \$55,047,739. From that date the cost was \$96,840,870 making a total for the entire period of \$151,888,609.

DECISIONS OF THE COURTS AND THE DEPARTMENT.

Mora Grant-Boundary of Private Claim-Resurvey:

The case of the United States v. State Investment Company et al, a subject of decision by the Supreme Court of the United States, February 18, 1924, involved an action in equity brought by the United States to quiet title to a strip of land claimed as a part of the public lands, but within the patented limits of the Mora Grant. The only question at issue was whether the strip of land in dispute lies within the limits of the grant as shown by the location of its west boundary. In the district court it was found that the west boundary of the grant as shown by the survey on which the patent issued was the correct boundary of the grant and hence a decree was entered in favor of the defendants. This judgment was affirmed in the Circuit Court of Appeals and again by the court in the present case.

The court in the general discussion of the case took occasion to make some interesting comments on the effect of surveys and resurveys made by the Land Department.

"The District Court did not err in refusing to admit public land surveys made in 1882 as evidence showing the closing of such surveys on the west boundary of the grant, and decisions of the Land Department holding that its west boundary was along the line run by Compton. Although the power to correct surveys of the public land belongs to the political department of the Government and the Land Department has jurisdiction to decide as to such matters while the land is subject to its supervision and before it takes final action, *Cragin v. Powell*, 128 U. S., 691, 698; *Knight v. Land Association*, 142 U. S., 161, 177; *Kirwan v. Murphy*, 189 U. S. 35, 54, this power of supervision and correction by the Department is 'subject to the necessary and decided limitation' that when it has once made and approved a governmental survey of public lands, and has disposed of them, the courts may protect the private rights acquired against interference by corrective surveys subsequently made by the Department. *Cragin v. Powell*, *supra*, p. 699. A resurvey by the United States after the issuance of a patent does not affect the rights of the patentee; the Government, after conveyance of the lands, having 'no jurisdiction to intermeddle with them in the form of a second survey.' *Kean v. Canal Co.*, 190 U. S., 452, 461. And although the United States, so long as it has not conveyed its land, may survey and resurvey what it owns, and establish and re-establish boundaries, what it thus does is 'for its own information' and 'can not affect the rights of owners on the other side of the line already existing.' *Lane v. Darlington*, 249 U. S., 331, 333."

Railroad Grant--Adverse Possession--Revestment of Title:

One possessing land granted to a railroad by the Government adversely for the statutory period, after the railroad by locating its line had acquired title, is held to have acquired the railroad's title thereto as completely as though the same had been conveyed to him, notwithstanding the railroad's ownership had not yet become absolute by completion of its line or a patent issued to it.

The act of June 9, 1916, declaring a forfeiture of the Oregon and California Land Grant of the lands granted and then remaining unsold, because of violation of the "settler's clause" fixing the price for which the quantities in which the land so granted could be sold, is held not to re-invest the Government with title to land which, though unsold by the railroad, had been lost by it through adverse possession of another, Congress being without power to either deprive the railroads of any vested right under the grant, or to divest another of title claimed through the railroad. (Supreme Court of Oregon.) *Phipps v. Stancliff* (222 Pacific Reporter, 328.)

Navigable Waters:

In the State of Florida it is the settled law that private ownership of lands bordering on navigable waters extends only to high water mark; in this respect following the laws and usages of Spain in the disposition of Crown lands. *Apalachicola Land and Development Company et al v. McRae*. (98 Southern Reporter, 505.)

Water Right-Real Property:

A water right is "real property" appurtenant to and passing with the conveyance of the land. Tedford et al. v. Wenatchee Reclamation District. (221 Pacific Reporter, 228.)

Public Lands--Survey Lines:

Range lines can not become official and recognized boundaries of public land until such boundaries have been established by Government survey. (Supreme Court of Arizona.) Navajo County v. Apache County. (221 Pacific Reporter, 837.)

Coal Lands---Lease---Preference Right--Purchaser--Improvements--Secretary of the Interior--Supervisory Authority:

Where one who is not entitled to a preference right to a coal lease has in good faith, under erroneous advice, opened and developed a mine of coal, the Secretary of the Interior has the authority to require one obtaining the lease pursuant to section 2 of the act of February 25, 1920, if another, to pay to the one making the improvements the amount that the land has been enhanced in value thereby. Gottlieb Roth (On Rehearing); decided January 9, 1924, by First Assistant Secretary Finney. (See Land Service Bulletin, February, 1924, page 13.)

Oil and Gas Lands--Prospecting Permit--Settlement--Homestead Entry--Preference Right--Withdrawal:

A settlement claim made under the homestead laws prior to the inclusion of the land within a petroleum withdrawal, which did not ripen into an entry until after the creation of the withdrawal, affords the entryman no basis for a preference right to an oil and gas prospecting permit under section 20 of the act of February 25, 1920.

Oil and Gas Lands--Prospecting Permit--Settlement--Preference Right--Residence:

The act of February 25, 1920, does not contain any provision whereunder a settler upon public lands within a particular State may be awarded a permit to prospect for oil and gas therein in preference to a resident of another State.

Oil and Gas Lands--Prospecting Permit--Descent and Distribution:

The rights of an applicant for an oil and gas prospecting permit under section 13 of the act of February 25, 1920, pass, on the death of the applicant, to the personal representatives in the same manner as does other personal property.

DEPARTMENTAL DECISION CITED AND APPLIED.

Case of Ada Fletcher (49 L. D., 204), cited and applied.
Haynes v. Smith, decided November 21, 1923, by First Assistant Secretary Finney.

ACQUISITION OF INTEREST IN LANDS IN RECLAMATION PROJECTS BY

PROJECT MANAGERS.

Opinion, November 5, 1923.

Land Department--Officers--Public Lands--Reclamation--Section 452, Revised Statutes:

Section 452, Revised Statutes, which prohibits officers, clerks, and employees in the General Land Office from directly or indirectly purchasing or becoming interested in the purchase of any of the public lands is not to be construed as including officers, clerks, and employees of the Bureau of Reclamation.

Reclamation--Public Lands--Secretary of the Interior--Supervisory Authority--Officers:

While there is no Federal statute that prohibits project managers of reclamation projects from acquiring interests in lands, either public or private, within the projects under their supervision, yet it is within the supervisory authority of the Secretary of the Interior to forbid it by appropriate regulation.

Reclamation--Public Lands--Officers:

Violation by a project manager of the departmental order of April 11, 1912, prohibiting superintendents of irrigation, engineers, or other officers or employees in responsible charge of a reclamation project, from acquiring any interest in property within that project, subjects him to disciplinary action, although the transaction may not be illegal.

EDWARDS, Solicitor. Approved: E. C. FIERCE, First Assistant Secretary.

DEPARTMENT OF THE INTERIOR

General Land Office

Washington

January 29, 1924

: Promulgating departmental decision
: affecting lands in the Mount Signal
: and West Side Imperial area.

Register and Receiver,

El Centro, California.

Gentlemen:

September 27, 1920, Maggie L. Havens filed an application for a further extension of time within which to complete final proof on her desert-land entry 06, covering the N $\frac{1}{2}$ Sec. 1, T. 17 S., R. 12 E., S.B.M.

This entry was allowed July 23, 1907, and is situated between the west boundary of the Imperial Irrigation District and the Ancient Beach line, in the area proposed to be irrigated by the Mt. Signal Canal Company.

Office letter of June 13, 1923, held said application for rejection, subject to the usual right of appeal. Claimant appealed from said decision to the Secretary of the Interior, and on October 11, 1923, the Department modified the holding of this office and remanded the case, with instructions that action on this entry, and all other entries similarly situated, should be suspended and remain suspended until water for the irrigation of the lands covered by it and then becomes available, or until it shall be found advisable to revoke the suspension for any sufficient reason thereafter arising.

The territory affected by the Secretary's decision above referred to, embraces all lands in the area proposed to be irrigated by the Mt. Signal Canal Company and the West Side Imperial Irrigation Company, that are covered by the first form withdrawal of October 19, 1920.

The Department's decision above referred to prevents the allowance of relief under the act of March 4, 1915, on all entries in the area affected.

Very respectfully,

WILLIAM SPRY,

Commissioner.

BUSINESS IN THE NEWCASTLE LAND OFFICE.

The subjoined story of the Newcastle land district is an extract from the Casper Daily Tribune for which we are indebted to the Register, Mr. Lytle.

The whole of Crook and Weston counties, together with approximately three-fourths of Campbell county and a narrow strip of northern Niobrara and Converse counties, is included in the Newcastle land district which was established in 1890 with the local office located at Sundance. In 1920 the office was moved to Newcastle, which still is its official home. During the third of a century of federal land activity in this district, thousands of agricultural and mineral entries have passed to patent, affording comfortable and prosperous homes and opening countless industrial opportunities to the trail-blazers of pioneer years, who have proudly watched and potentially assisted the transition from territorial frontier conditions to the prominent and promising commonwealth which the district represents today. In addition to its incalculable convenience to land claimants in this section of the State, the district office has turned to the federal treasury multiplied thousands of dollars which have been effectually utilized in educational advancement, reclamation, road-building, and other forms of material progress in which the people of the land district have been happy beneficiaries.

Agricultural Entries 1923:

For the purposes of this story, the figures given are in "round numbers" but represent fairly accurate and conservative approximations. During the fiscal year 1923 a total of 318 homestead applications was filed in this office, or an average of one and three-fiftieths applications on each official working day of the year. Of this number, 30 were made under the general homestead law (Section 2289, Revised Statutes of the United States), which limits entries thereunder to 160 acres. Pursuant to the act of February 19, 1909, known as the Mondell enlarged-homestead law, providing for acquiring 320 acres as a homestead, the records show a total of 87 applications received at the local office. Under the latest and largest homestead enactment, the far-famed "stock-raising" law, frequently called the section-homestead enactment of December 29, 1916, the Newcastle office recorded 201 applications. The aggregate area appropriated by the 318 homestead applications above mentioned is approximately 105,240 acres. There yet remain in the Newcastle district approximately 450,000 acres subject to entry under the various federal land laws.

Isolated Tracts:

Less than 500 acres were sold under the so-called isolated tract law during the fiscal year 1923. However, suspended applications aggregating approximately 2,000 acres still are pending. Under federal procedure these tracts in this district are appraised variously from \$1.75 to \$3.00 per acre.

Timber and Stone Law:

Although by no means obsolete, the timber and stone law rarely is applied in the Newcastle district. Thousands of acres have passed to patent under this law, but since the creation of National Forests the activities under this law

have been very materially curtailed. The minimum price of timber or stone land is \$2.50 per acre.

Oil, Gas, and Coal:

The federal leasing law of February 25, 1920, presents opportunities theretofore denied applicants who sought to develop certain mineral resources of the nation, particularly oil and kindred industries. Immediately following the enactment of the law, the Newcastle office was all but swamped with a diversified volume of business thereunder, but activities in this respect have slumped along with the general business of the office. Approximately 65,000 acres under the oil and gas features were pending during the year covered herein. Operations under the coal provisions of the law have reached comparatively insignificant magnitude.

Final Proofs and Patents:

One of the important features of the official routine of this office is that of homestead final proofs. Whereas in former years land claimants often were held in suspense, frequently resulting in financial embarrassment and pecuniary loss, for many months and in many cases for several years, in connection with acquiring title to government lands, the policy now is one of prompt and fair consideration and expeditious service and results. Patents frequently issue within thirty days after adequate final proofs reach the reviewing officers in Washington. This progressive policy has tended and is tending daily to elevate the federal land department in the esteem of land claimants throughout the public domain. The number of patents received at this office during the period covered by this article was 1,245, while 1,325 were delivered to claimants during the year.

Circular No. 911.

Instructions Regarding Closing of Contests..

DEPARTMENT OF THE INTERIOR
General Land Office
Washington

February 2, 1924.

Registers and Receivers,

United States Land Offices.

Sirs:

It appears to be the practice in many of the local land offices, when contests are abated, closed for want of prosecution, or dismissed because of defective contest affidavits and no appeal filed, to transmit the papers to this office with an undated and unsigned memorandum attached thereto purporting to show what action has been taken in connection therewith, and reporting that the case is closed.

Such memorandum statements should in the future be dated and signed, and officially made a part of the record in order that this office may be governed thereby in making the proper notations upon its records.

Very respectfully,

WILLIAM SPRY,

Commissioner.

Circular No. 912.

REDUCTION OF THE REQUIRED AREA OF CULTIVATION
IN HOMESTEAD CASES.

DEPARTMENT OF THE INTERIOR

General Land Office

Washington

February 1, 1924.

Registers and Receivers,

United States Land Offices.

Gentlemen:

At the end of paragraph 27-b of Circular No. 541, the following is added:

"Nor will a reduction in the area of cultivation, based on the physical conditions of the land, be permitted if, at the date of the application to enter, the land was designated and subject to entry under the stock-raising act. In such cases, the homesteader should file application for change of the character of the entry to one under the stock-raising act, showing therein the non-adaptability of the land for cultivation; that the land does not contain any water holes, or other body of water needed or used by the public for watering purposes, and his consent to the entry being made subject to the reservation to the United States of all coal and other minerals in the land, together with the right to prospect for, mine, and remove the same. The application of the entryman should be in affidavit form, and the showing therein as to the character of the land should be corroborated by the affidavits of two witnesses."

Give the widest publicity to the above addition that may be possible without expense to the United States.

Very respectfully,

WILLIAM SPRY,

Approved: February 1, 1924.

Commissioner.

E. C. FINNEY,

-15

First Assistant Secretary.

Circular No. 913.

LAND IN PETROLEUM RESERVES NOT SUBJECT TO ENTRY UNDER THE
STOCK-RAISING HOMESTEAD ACT.

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DEPARTMENT OF THE INTERIOR
General Land Office
Washington

February 2, 1924.

Registers and Receivers,

United States Land Offices.

Gentlemen:

It appears that many local officers have allowed applications to make entry under the stock-raising homestead act for land within the limits of petroleum reserves. As said act is limited by its terms to "unappropriated unreserved public lands," you will reject, subject to the right of appeal, all applications to make entry under said act for land within the limits of petroleum reserves, even though the land may be designated as of the character contemplated by the said act.

As to stock-raising entries heretofore allowed for land within the limits of petroleum reserves, you will, on the submission of satisfactory final proof, forward all papers to this office, without the issuance of final certificate.

Applications to make entry under Section 2289, Revised Statutes, or under the enlarged-homestead act for unappropriated land within petroleum reserves may be allowed if made subject to the provisions and reservations of the act of July 17, 1914 (38 Stat., 509), as to oil and gas, provided the land is not also within the limits of the geologic structure of a producing oil or gas field.

Lands within naval reserves are not subject to any form of appropriation.

Very respectfully,

WILLIAM SPRY,

Commissioner.

Approved: February 2, 1924.

E. C. FINNEY,

First Assistant Secretary.

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Circular No. 914.

EXTENSION OF TIME FOR PAYMENT. FORT ASSINNIBOINE ABANDONED MILITARY
RESERVATION.

DEPARTMENT OF THE INTERIOR
General Land Office
Washington

February 8, 1924.

Register and Receiver,

Havre, Montana.

Gentlemen:

On December 13, 1923, the Department approved regulations amending Circular No. 899, dated May 3, 1923 (49 L.D., 599), which provided for an extension of time for payments on installments in the Fort Assinniboine entries.

The amendatory provisions are as follows:

"It has developed that the suspension of action on entries made of Fort Assinniboine Abandoned Military Reservation lands under the act of February 11, 1915 (38 Stat., 807), provided for in circular of May 3, 1923 (49 L.D., 599), does not in all cases afford the relief which it is believed was the intention of the circular to grant, taking into consideration the professed object of the circular, namely, to allow time within which Congress could come to the relief of delinquent entrymen.

"It is therefore recommended that this office be authorized to grant an extension of time within which to make payments of the amounts in arrears on such entries, for such period as may be requested, not later than December 31, 1924, where the interest required to be paid by the extension act of January 6, 1921 (41 Stat., 1086), has been paid or shall be paid, and where an affidavit, corroborated by two parties, setting forth the causes by reason of which the entryman is unable to make his payments, has been or shall be filed in the local land office."

You will observe that in the regulations as amended the time for making payments can be extended on proper showing for such period as is requested, but not beyond December 31, 1924.

You will now proceed as directed in Circular No. 899 as amended.

Very respectfully,

WILLIAM SPRY,

Commissioner.

Approved: February 8, 1924.

E. C. FINNEY,

First Assistant Secretary.

(6755)

Circular No. 915.

NOTATION OF CANCELLATIONS.

DEPARTMENT OF THE INTERIOR

General Land Office

Washington

February 5, 1924.

Registers and Receivers,

United States Land Offices.

Gentlemen:

Inasmuch as valuable rights are often dependent upon ascertaining the exact time when orders of cancellation are noted on the tract book, the following rules are prescribed:

In noting the cancellation of an entry, prospecting permit, lease, selection etc., the tract book will show the date and initial (division) of the letter of cancellation. The date and hour of the notation on the tract book will be immediately noted on the letter and on the serial register. In reporting the status of cases in connection with which the cancellation of a prior claim in material, you will report the time such cancellation was noted on the tract book.

When relinquishments of entries or withdrawals of applications are filed, the hour of filing should be noted on the serial register as well as on the paper filed.

Very respectfully,

WILLIAM SPRY,

Approved: February 5, 1924.

Commissioner.

E. C. FINNEY,

First Assistant Secretary.

(6761)

Circular No. 916.

DEPARTMENT OF THE INTERIOR

General Land Office

Washington

February 16, 1924.

: Regulations governing the
: sale of unsold tracts in
: the Gig Harbor Abandoned
: Military Reservation, Secs.
: 5 and 8, T. 21 N., R. 2 E.,
: W. M., Washington.

Register and Receiver,

Seattle, Washington.

Gentlemen:

On April 29, 1921 (Circular No. 752, 48 L. D., 100), instructions relative to the disposal of certain lands within the Gig Harbor Abandoned Military Reservation, Secs. 5 and 8, T. 21 N., R. 2 E., W. M., Washington, were approved and settlers in actual occupation of any portions of the said lands were allowed to purchase same under the act of Congress approved March 3, 1919 (40 Stat., 1319).

Ninety days from the date of the approval of said instructions were allowed within which the actual occupants thereof could file their applications to purchase under the provisions of said act. Lands remaining unsold within the time allowed were subject to disposal at public sale under the act of July 5, 1884 (23 Stat., 103). All the lands covered by the above instructions were applied for under the preference right provisions as set out in the instructions with the exception of certain lands hereinafter described, which will now be offered for sale for cash and at not less than the appraised value thereof to the highest bidder at your office and under your supervision, commencing at 10 o'clock a. m., on April 25, 1924.

Bids may be made in person or by agent, but will not be received through the mail. Purchasers will not be required to show qualifications as to age or citizenship or to make any showing as to the amount or character of public lands heretofore acquired by them under any laws. Payment for said lands must be made in proper form to the receiver of the United States land office, Seattle, Washington, who will issue official receipt therefor. You are instructed to assign current serial numbers to all applications to purchase, and upon receipt of payment in full, to issue cash certificate of entry.

Purchasers of the lands will not be required to furnish a non-mineral affidavit as the Acting Director of the Geological Survey by letter of February 5, 1924, stated that the records indicated that there are no valuable deposits of coal or other minerals within the area specified.

Authority is also herein contained to dispose at the same time and place, of any other unclaimed lots within the said reservation at not less than the appraised price as shown by the records of your office, and in the absence of record objections thereto, to take the same action thereon as is hereby authorized to be taken on the six lots specifically listed as follows:

Lot.	Acreage.	Appraised Value.
54 B	1.57	\$9.42
66	9.55	57.30
67	5.40	32.40
68	1.32	7.92
69	6.06	36.36
71	8.35	50.10

All persons are warned against entering into any agreement, combination, or conspiracy which will prevent any of said lands from selling advantageously and all persons so offending will be prosecuted criminally under Section 59 of the Criminal Code.

Publicity will be given this sale by the publication of a notice thereof in two newspapers of general circulation in the vicinity of the lands for 60 days preceding such sale. Transmit a copy of said circular to postmasters near the land for posting in their offices, and transmit a copy of the circular to the register of the State land office. Acknowledge receipt of these regulations and post a copy of the same in your office.

Very respectfully,

WILLIAM SPRY,

Commissioner.

Approved: February 16, 1924.

E. C. FINNEY,

First Assistant Secretary.

DEPARTMENT OF THE INTERIOR

General Land Office

Washington

February 20, 1924.

: Relative to issuance to final
: certificates on combined final
: homestead proof.

Registers and Receivers,

United States Land Offices.

Sirs:

Hereafter, where satisfactory final proof is received involving several homestead entries, and one or more of the entries involved are under the stock-raising act, separate final certificate covering the stock-raising entry or entries will be issued.

For example:

If the final proof is in support of an original entry under Section 2289 or enlarged homestead act and an additional entry or entries under the stock-raising act, or on an original entry under Section 2289 and additional entries under both the enlarged and stock-raising homestead acts, two final certificates will issue, one for the entries not under the stock-raising act, the other for the entry or entries under said act.

Each final certificate, in addition to carrying appropriate mineral reservation, should contain a reference to the other.

Very respectfully,

WILLIAM SPRY,

Commissioner.

Circular No. 918.

LEGAL SUBDIVISIONS
NATIONAL FOREST EXCHANGES.
CIRCULAR NO. 863 AMENDED.

.....

DEPARTMENT OF THE INTERIOR

General Land Office

Washington

February 1, 1924.

Registers and Receivers,

United States Land Offices.

Gentlemen:

That part of paragraph 2 of the regulations contained in joint Circular No. 863, approved October 28, 1922, for the administration of the act of March 20, 1922, (42 Stat., 165), which provides:

"The land must be specifically described according to Government subdivisions, and nothing less than a legal subdivision may be surrendered or selected,"

is hereby amended to read as follows:

"The land must be specifically described according to Government subdivisions, and, as a rule, nothing less than a legal subdivision may be surrendered or selected. An exception to this rule may be made only where in the opinion of the Secretary of Agriculture and the Secretary of the Interior such exception would be advantageous to the Government."

Very respectfully,

WILLIAM SPRY,

Approved: February 1, 1924.

Commissioner General Land Office.

(Signed) HUBERT WORK,
Secretary of the Interior.

(Signed) HENRY C. WALLACE,
Secretary of Agriculture.

Circular No. 919.

FEES FOR NATIONAL FOREST EXCHANGES.
AMENDING CIRCULARS NOS. 863 AND 869.

.....

DEPARTMENT OF THE INTERIOR

General Land Office

Washington

February 4, 1924.

Registers and Receivers,

United States Land Offices.

Gentlemen:

Section 6 of the regulations contained in joint Circular No. 863, approved October 28, 1922, for the administration of the act of March 20, 1922 (42 Stat., 465), and section 9 of the regulations contained in joint Circular No. 869, approved December 30, 1922, for the administration of the act of September 22, 1922 (42 Stat., 1017), are hereby amended to read as follows:

FEES.--Fees must be paid by the applicant at the rate of \$1 each to the Register and Receiver for each 160 acres, or fraction thereof, of the base lands surrendered and conveyed to the Government.

Very respectfully,

WILLIAM SPRY,

Commissioner General Land Office.

Approved: February 4, 1924.

(Signed) HUBERT WORK,
Secretary of the Interior.

(Signed) HENRY C. WALLACE,
Secretary of Agriculture.

(6894)

DEPARTMENT OF THE INTERIOR
General Land Office
Washington
1078291

PUBLIC LANDS RESTORED TO HOMESTEAD ENTRY AND OTHER DISPOSITION BY
PROCLAMATION, EXECUTIVE OR DEPARTMENTAL ORDER.

---O---

Preference Rights to Ex-Service Men of the War with Germany.

General Method of Opening:

By virtue of Public Resolution No. 29, of February 14, 1920 (41 Stat., 434), as amended by Public Resolutions Nos. 36 and 79, approved January 21 and December 28, 1922, respectively, hereafter and until February 15, 1930, when any surveyed lands within the provisions of the public resolutions are opened or restored to disposition under the authority of the Department, such lands, unless otherwise provided in the order of restoration, shall become subject to appropriation under the laws applicable thereto in the following manner, and not otherwise:

Lands not affected by the preference rights conferred by the acts of August 18, 1894 (28 Stat., 394), or June 11, 1906 (34 Stat., 233), or February 14, 1920 (41 Stat., 407), will be subject to entry by soldiers under the homestead and desert-land laws, where both of said laws are applicable, or under the homestead law only, as the case may be, for a period of 91 days, beginning with the date of the filing of the township plat in the case of surveys or resurveys, and with the date specified in the order of restoration in all other cases, and thereafter to disposition under all of the public land laws, applicable thereto, except where homestead entrymen are granted a prior preference period under the order. For a period of 20 days and for a like period prior to the date or dates such lands become subject to entry by the general public, soldiers in the first instance, and any qualified applicants in the second, may execute and file their applications, and all such applications presented within such 20-day periods, together with those offered at 9 o'clock a.m., standard time, on the dates such lands become subject to appropriation under such applications, shall be treated as filed simultaneously.

Unsurveyed lands are not subject to homestead or desert-land entry. A homestead entry may embrace 160 acres, or an approximation thereof, and where the lands are of the character contemplated by the 320 or 640 acres homestead acts, applications for the unappropriated lands may be filed by qualified persons, under either of said acts; accompanied by proper petitions, if undesignated, for the designation of lands thereunder, and such applications will be suspended pending determination as to the character of such lands.

The following are restorations or openings which will occur in the near future and concerning which further information may be obtained from the local offices:

WYOMING:RESTORATION FROM RECLAMATION WITHDRAWAL.

About 8,000 acres in Fremont County, Lander land district, are restored from reclamation withdrawal and will be open to homestead and desert-land entry only to ex-service men of the World War, beginning March 10, 1924, subject, however, to valid prior settlement and preference rights; filings may be presented during the twenty days preceding that date or from February 19, 1924, to March 9, 1924, inclusive. If any land remains unentered on June 10, 1924, it will then become subject to appropriation under any applicable public-land law by the general public. The land is situated near Dry Creek, a branch of the Wind River, and available information indicates that the land is generally broken and mountainous.

Since the lands are restored from reclamation withdrawal no water for irrigation purposes will be available from a Federal irrigation project.

(406)

NEW MEXICO:LANDS OPENED TO ENTRY AFTER APPROVAL OF LIEU LANDS TO THE STATE.

The following land in the Santa Fe land district open to homestead and desert-land entry, beginning March 12, 1924, for a period of 91 days to ex-service men of the World War, subject, however, to valid prior settlement rights or equitable claims recognized by existing laws:

T. 12 N., R. 19 W., N. M. P. M., Sec. 32, SE¹₄ SE¹₄, 40 acres.

Filings may be presented during the 20 days preceding that date, or from February 21 to March 11, 1924, inclusive. The land, if remaining unentered after the expiration of the 91 days; that is, beginning June 11, 1924, will be open to appropriation under any applicable public-land law.

By the certification of February 13, 1924, to the State of clear list 172, approved February 5, 1924, of indemnity school land selected in lieu of the above-described school section land which was within a national forest at time of selection of indemnity land, but was eliminated from the national forest boundaries after timely completion of the selection, all claim of the State to such school land terminated.

(407)

MONTANA:FROM STOCK DRIVEWAY WITHDRAWAL.

641.32 acres in Custer County, Miles City land district, open to entry under the homestead and desert-land laws by ex-service men of the War with Germany for a period of 91 days, beginning March 15, 1924. Filings may be presented at any time during the 20 days prior to that date. On and after June 14, 1924, any of such lands remaining unentered will be subject to appropriation under any public land law applicable thereto by the general public. The land is released from stock driveway withdrawal and designated under the enlarged-homestead act of February 19, 1909. Further information, if desired, may be obtained from the United States land office at Miles City.

FROM STOCK DRIVEWAY WITHDRAWAL.

Two hundred acres in Fremont County, Blackfoot land district, open to entry under the homestead and desert-land laws by ex-service men of the War with Germany for a period of 91 days, beginning March 15, 1924. Filings may be presented at any time during the 20 days prior to that date. On and after June 14, 1924, any of such lands remaining unentered will be subject to appropriation under any public-land law applicable thereto by the general public. The land is released from stock driveway withdrawal. Further information, if desired, may be obtained from the United States land office at Blackfoot.

OIL AND GAS ACTIVITIES.

During the month of February 254 new cases were received as against 437 in the preceding month. Old cases received for further action numbered 1,392. New permits were issued in 347 cases and 243 were finally rejected; 359 applications were rejected subject to the right of appeal; 54 assignments of rights under the permits were acted upon and 326 applications for extension of time for drilling operations were disposed of. Thirty permits were held for cancellation and 31 were cancelled. During the month departmental decisions were rendered whereby 13 actions were affirmed. Two hundred and thirty-nine applications were examined and reports thereon called for from Geological Survey.

Under the "relief" section of the leasing act, 2 permits and 2 leases were granted; 1 application finally rejected; 5 assignments approved; and 11 extensions of time granted.

Receipts Under Mineral Leasing Act:

Receipts under the mineral leasing act for the month of January were but \$379,626.37, of which \$311,282.38 was from the sale of bonds and accumulated interest thereon. The bonds were purchased with impounded funds on account of back royalty from lands in the State of California. Due to a change in receivers at Douglas during the month of January, the November royalties received in January were not deposited to the credit of the Treasurer of the United States until in February, so that the receipts for the latter month will be correspondingly larger.

RECLAMATION SETTLEMENT OFFICE OPENED IN DENVER.

Miles Cannon, recently appointed Field Commissioner of the Bureau of Reclamation, has established his office in the Wilda Building, Denver, Colorado, where he will have charge of settlement problems and the management and agricultural development of the irrigation projects.

In order to divert to Mr. Cannon inquiries relating to his work, it is suggested that both written and oral inquiries from prospective settlers concerning opportunities on the irrigation projects, which may be received by the local land offices, be referred, so far as possible, directly to Mr. Cannon at the address given.

CONSOLIDATED WORK REPORT OF LOCAL LAND OFFICES
FOR THE MONTH OF JANUARY, 1924.

OFFICES.	: End Last Month. :			: Received : : and : : Disposed of. :			: End of this Month. :		
	: Pend	: Sus-	: Pend-	: Rec'd	: Trans-	: Now	: Now	: Pend-	
	: ing	: pend-	: ing	: in	: mitted	: pend-	: sus-	: ing	
	: desig-	: ed re-	: un-	: this	: to GLO	: ing	: pend-	: unacted	
	: nation:	: jected:	: acted	: month.	: this	: desig-	: ed re-	: on by	
	:	: other-	: on by :	:	: month.	: na-	: jected:	: R. & R.	
	:	: wise. :	: R. & R:	:	:	: tion.	: other-	:	
	:	:	:	:	:	:	: wise. :	:	
Alabama	:	:	:	:	:	:	:	:	
Montgomery	:	:	19 :	:	20 :	21 :	:	18 :	
Arizona	:	:	:	:	:	:	:	:	
Phoenix	:	112 :	184 :	:	249 :	239 :	143 :	163 :	
Arkansas	:	:	:	:	:	:	:	:	
Harrison	:	:	20 :	:	90 :	87 :	:	23 :	
Little Rock	:	:	232 :	:	37 :	105 :	:	214 :	
California	:	:	:	:	:	:	:	:	
El Centro	:	15 :	66 :	:	49 :	71 :	15 :	44 :	
Eureka	:	50 :	2 :	:	12 :	12 :	51 :	1 :	
Independence	:	43 :	102 :	:	33 :	36 :	45 :	97 :	
Los Angeles	:	47 :	82 :	:	200 :	186 :	46 :	97 :	
Sacramento	:	59 :	64 :	:	56 :	60 :	64 :	55 :	
San Francisco	:	121 :	41 :	:	68 :	67 :	120 :	43 :	
Susanville	:	22 :	14 :	:	15 :	12 :	22 :	17 :	
Visalia	:	14 :	31 :	:	71 :	42 :	14 :	60 :	
Colorado	:	:	:	:	:	:	:	:	
Del Norte	:	37 :	21 :	1 :	11 :	30 :	32 :	8 :	
Denver	:	120 :	251 :	:	110 :	306 :	99 :	76 :	
Durango	:	26 :	23 :	:	62 :	68 :	28 :	15 :	
Glenwood Springs	:	403 :	225 :	:	165 :	177 :	252 :	364 :	
Lamar	:	37 :	21 :	:	47 :	58 :	35 :	12 :	
Leadville	:	9 :	24 :	:	15 :	17 :	8 :	23 :	
Montrose	:	105 :	102 :	:	42 :	74 :	86 :	89 :	
Pueblo	:	220 :	97 :	:	111 :	163 :	175 :	90 :	
Sterling	:	22 :	34 :	:	25 :	58 :	12 :	11 :	
Florida	:	:	:	:	:	:	:	:	
Gainesville	:	:	40 :	10 :	62 :	77 :	:	26 :	
Idaho	:	:	:	:	:	:	:	:	
Blackfoot	:	101 :	90 :	:	55 :	54 :	56 :	136 :	
Boise	:	80 :	66 :	:	49 :	62 :	88 :	45 :	
Coeur d'Alene	:	1 :	29 :	:	25 :	16 :	1 :	38 :	
Hailey	:	63 :	57 :	:	44 :	50 :	43 :	71 :	
Lewiston	:	9 :	22 :	:	12 :	14 :	9 :	20 :	
Kansas	:	:	:	:	:	:	:	:	
Topeka	:	27 :	9 :	:	12 :	6 :	28 :	14 :	
Louisiana	:	:	:	:	:	:	:	:	
Baton Rouge	:	22 :	:	:	6 :	13 :	:	15 :	

Michigan	:	:	:	:	:	:	:	:
Marquette	:	:	6 :	:	1 :	5 :	:	5 :
Minnesota	:	:	:	:	:	:	:	:
Cass Lake	:	:	3 :	:	22 :	20 :	:	5 :
Crookston	:	12 :	:	:	33 :	37 :	:	8 :
Duluth	:	:	15 :	:	59 :	31 :	:	43 :
Mississippi	:	:	:	:	:	:	:	:
Jackson	:	:	15 :	:	15 :	13 :	:	17 :
Montana	:	:	:	:	:	:	:	:
Billings	:	21 :	17 :	21 :	6 :	28 :	21 :	16 :
Bozeman	:	57 :	62 :	:	30 :	34 :	57 :	58 :
Glasgow	:	101 :	56 :	:	51 :	77 :	100 :	31 :
Great Falls	:	26 :	31 :	:	27 :	21 :	30 :	33 :
Havre	:	57 :	45 :	:	34 :	49 :	55 :	32 :
Helena	:	142 :	77 :	:	44 :	50 :	118 :	95 :
Kalispell	:	3 :	2 :	:	7 :	5 :	2 :	4 :
Lewistown	:	148 :	25 :	:	22 :	43 :	140 :	12 :
Miles City	:	139 :	87 :	:	93 :	112 :	195 :	62 :
Missoula	:	11 :	9 :	:	18 :	23 :	11 :	4 :
Nebraska	:	:	:	:	:	:	:	:
Alliance	:	22 :	2 :	:	15 :	16 :	22 :	1 :
Lincoln	:	17 :	3 :	:	6 :	4 :	18 :	4 :
Nevada	:	:	:	:	:	:	:	:
Carson City	:	28 :	125 :	:	36 :	40 :	35 :	114 :
Elko	:	23 :	27 :	:	25 :	21 :	25 :	29 :
New Mexico	:	:	:	:	:	:	:	:
Clayton	:	84 :	33 :	:	43 :	52 :	74 :	34 :
Ft. Sumner	:	43 :	67 :	:	44 :	66 :	32 :	56 :
Las Cruces	:	43 :	77 :	:	108 :	86 :	43 :	83 :
Roswell	:	89 :	57 :	:	202 :	176 :	97 :	75 :
Santa Fe	:	97 :	143 :	:	241 :	238 :	97 :	146 :
North Dakota	:	:	:	:	:	:	:	:
Bismarck	:	28 :	27 :	:	19 :	22 :	28 :	24 :
Dickinson	:	16 :	7 :	:	6 :	8 :	16 :	5 :
Oklahoma	:	:	:	:	:	:	:	:
Guthrie	:	41 :	10 :	:	42 :	38 :	41 :	14 :
Oregon	:	:	:	:	:	:	:	:
Burns	:	21 :	17 :	:	11 :	13 :	22 :	14 :
La Grande	:	63 :	67 :	:	42 :	42 :	63 :	67 :
Lakeview	:	43 :	65 :	:	11 :	20 :	45 :	54 :
Portland	:	:	7 :	:	35 :	38 :	:	4 :
Roseburg	:	:	56 :	:	65 :	93 :	:	28 :
The Dalles	:	126 :	35 :	:	37 :	45 :	125 :	28 :
Vale	:	19 :	62 :	:	30 :	26 :	20 :	65 :
South Dakota	:	:	:	:	:	:	:	:
Bellefourche	:	5 :	12 :	:	29 :	30 :	4 :	12 :
Pierre	:	37 :	30 :	:	54 :	32 :	62 :	27 :
Rapid City	:	32 :	30 :	:	82 :	77 :	35 :	32 :
Utah	:	:	:	:	:	:	:	:
Salt Lake City	:	399 :	230 :	:	173 :	226 :	350 :	226 :
Vernal	:	17 :	19 :	:	37 :	30 :	17 :	26 :

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Washington	:	:	:	:	:	:	:	:	:
Seattle	:	:	11	:	7	:	14	:	4
Spokane	:	28	:	44	:	44	:	28	51
Vancouver	:	1	:	11	:	15	:	19	8
Walla Walla	:	14	:	3	:	14	:	7	14
Waterville	:	31	:	10	:	16	:	10	31
Yakima	:	12	:	6	:	7	:	5	12
Wisconsin	:	:	:	:	:	:	:	:	:
Wausau	:	:	2	:	1	:	3	:	:
Wyoming	:	:	:	:	:	:	:	:	:
Buffalo	:	101	:	34	:	80	:	80	92
Cheyenne	:	114	:	117	:	88	:	97	113
Douglas	:	48	:	132	:	139	:	86	45
Evanston	:	42	:	117	:	48	:	63	39
Lander	:	75	:	45	:	28	:	51	67
Newcastle	:	36	:	64	:	59	:	55	57
Total,	:	4,377	:	4,222	:	32	:	4,207	4,695
	:		:		:		:	4,000	4,117
	:		:		:		:		26

RETIREMENT.

Mr. Charles H. Babbitt, a principal examiner in the Contest Division of this office, on the 29th of February severed his connection with the office and the public service by retirement. Tokens of esteem were presented by his associates, and Commissioner Spry, in a short address, commented upon his notable career in the public service, especially upon the high class of his work in our office.

Entering this office in 1877 and serving until 1894, when he resigned to practice law, and entering our service again in 1918, he has left a record of efficiency and industry of which too high praise can not well be given. Thoroughly versed in the public-land laws and patient in research, he spared no pains to ascertain the facts and the law in the cases that came into his hands for disposition. The initials "CHB" on a decision were a guarantee that it had received careful and competent consideration.

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Miss Emma B. Wilson.--After nearly 46 years of continuous service Miss Emma B. Wilson of the General Land Office retired on February 11, 1924, under the act of May 22, 1920.

Miss Wilson was appointed from the State of Massachusetts on May 6, 1878, and remained attached to the same bureau throughout her entire term of service. Her record as a clerk was characterized by promptness and dependability as well as by a scrupulous care and attention to details which at all times earned for her the commendation of her superior officers and her general sunny disposition won for her a lasting place in the hearts of all her associates.

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Miss Bessie Cox.--The retirement on February 28 of Miss Bessie Cox, terminated forty-five years of faithful and efficient service in this Department; four years with the Census Office; a year or so in the Field Service Division of this office, and nearly forty years in the Accounts Division. Her work in the latter division, acquainting her with fiscal officers through all the public land States added many to the number of warm friends that always included all her associates in the office. The thoroughness with which she went into the details of her work, and the kindly human character of her relation to it, and to her associates, place her in that enviable class of which we are impelled to say, here is both efficiency and friendliness.

APPOINTMENT.

Joseph Dominick Scanlan, of Montana, to be Register of the land office at Miles City, Montana, vice Elam Hubert McDowell, resigned. Commission dated February 13, 1924, effective April 1, 1924.

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TELL THE BULLETIN.

To All Local Offices and Field Service Employees:

If anything occurs, in the public land service, which you think is of administrative value, tell us about it. Address all communications to the Commissioner of the General Land Office, "Land Service Bulletin." All information should be received not later than the 24th of each month for use in the current number.

(6970)

MEMORANDUM

Joseph L. Thompson, Director, Bureau of Land Management, U.S. Department of the Interior
Office of Alaska Affairs, Anchorage, Alaska
Mission dated February 12, 1954, relative to the Alaska National Monument.

THE ALASKA NATIONAL MONUMENT

It is requested that you advise the Bureau of Land Management, U.S. Department of the Interior, of any developments in the field of the Alaska National Monument.

If any developments occur, in the field of the Alaska National Monument, please advise the Bureau of Land Management, U.S. Department of the Interior, of any developments in the field of the Alaska National Monument. It is requested that you advise the Bureau of Land Management, U.S. Department of the Interior, of any developments in the field of the Alaska National Monument.

(1070)

LAND SERVICE BULLETIN

DEPARTMENT OF THE INTERIOR GENERAL LAND OFFICE

By direction of the Secretary of the Interior the matter contained herein is published as administrative information and is required for the proper transaction of public business.

Vol. 8.

April 1, 1924.

No. 2.

TAKE BETTER CARE OF THE ENTRYMAN.

This number of the Bulletin carries a circular numbered 921 that involves a confession of inattention to duty on the part of the Service which is exceedingly humiliating to say the least. Entries have been allowed to go of record for lands that were for various reasons not subject to such appropriation, and such fact not discovered until after much expenditure of time and money by the entryman to no avail.

When it is remembered that the first question that must be settled when an application for the right of entry is presented, is whether the land is open to such entry, there would seem to be but small room left for excuse if that question is not properly determined then and proper action taken in accordance with the facts so found.

The entryman in such case is entirely dependent upon the watchful diligence of the district office to see if the land he wants can be taken by his entry. It is his unquestioned right to rely on the allowance of his entry as an official adjudication that the land is properly subject to such appropriation, and if a mistake is made in that respect, it is the entryman who must suffer and not the official; all of which should serve to insure the utmost diligence to protect the entryman from the consequences of any mistakes on our part.

* * * * *

SURVEY NOTES.

Surveyors in the Field.

The March 15th report from the Supervisor of Surveys indicates that the spring surveying season has not as yet arrived as there were on that date but 19 surveyors in the field, distributed as follows: Arizona 7, California 2, New Mexico 2, Utah 2, Washington 1, and Eastern Surveying District 5.

Ford Townsite Survey, California.

Among the surveys of unusual interest, the returns of which were received and examined by the Surveying Division of the General Land Office during the past month, is the Government townsite which embraces the SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$ and SE $\frac{1}{4}$ Sec. 12, T. 32 S., R. 23 E., M. D. M., California. The lands included in this townsite were eliminated from Petroleum Reserve No. 2 by executive order of June 12, 1923, but the order excepts from the elimination the oil and gas deposits and reserves 4 drilling sites of approximately 2 acres each in each 40 acre subdivision making in all 28 drilling sites.

The survey was executed by John L. Warboys, United States surveyor, under Group 124, California, while the drilling sites were selected by representatives from the Bureau of Mines and the Navy Department. Sometime prior to the completion of the field work a notice and blueprint of the subdivision was posted by the surveyor in Taft, giving the interested settlers an opportunity to see the scheme of subdivision and to protest if the survey was unsatisfactory. No protests were filed by either individuals or the townsite association.

There are about 288 houses and tents and a similar number of garages and outbuildings on the lands included in the townsite survey. The subdivisional survey creates 64 blocks with 775 lots.

Survey of Federal Water Power Reserve.

The first survey to be executed by the Surveying Service of the General Land Office consequent upon a determination made by the Federal Power Commission under the provisions of section 24 of the Federal water power act of June 10, 1920 (41 Stat., 1063), was authorized and the instructions approved therefor during the past month.

The lands involved are situated in Sec. 15, T. 41 N., R. 106 W., 6th P. M., Wyoming, and the survey will involve the segregation of a tract of land 50 feet in width on both sides of the Big Horn River. It is anticipated that this field of work will develop to considerable magnitude.

Survey Washington Water Power Tract.

The survey of the out boundaries of the David Wilson tract, approved by the Department May 6, 1910, since transferred to the Washington Water Power Company, and the Washington Water Power Company's tract, approved by the Department August 29, 1908, on the Spokane Indian Reservation, Washington, was accepted by the General Land Office March 3, 1924. This survey was primarily executed for the purpose of furnishing descriptions and areas for the abutting lands on the reservation side available for allotments, but it was made to serve the additional purpose of identifying as Tract 37, containing 154.17 acres, the two parcels of land above referred to.

Allotments Surveys--Blackfeet Indian Reservation--Montana.

The re-subdivisional survey of lands in the Blackfeet Indian Reservation, authorized at the request of the Commissioner of Indian Affairs, is progressing as rapidly as practicable. Plats of resurveys in 20 townships embracing allotments were recently transmitted to the Indian Office. This work has required the services of four or five United States surveyors for two seasons under the general charge of Cadastral Engineer W. R. Bandy, and will require two seasons more to complete. It involves the retracing and re-establishing of section lines, and re-subdividing the sections into smaller tracts to accommodate the allotments. In many instances a tract will contain only one ten hundred and twenty-fourth of a section which is equivalent to a suburban lot of 100 feet by 272 feet or a little over half an acre. The great majority of the allotments, however, are 40 acres each, and the allottees by this resurvey have their boundaries marked by durable monuments, and their tracts given a number. This identifies their holdings more satisfactorily than by the prevailing method of disposal by aliquot parts.

Plumas Forest Reservation Boundary.

An investigation of the condition of the official surveys in T. 26 N., R. 15 E., M. D. M., California, in the vicinity of Harney Lake has been authorized at the request of the Forest Service. The boundary of the Plumas National Forest lies in the southeastern portion of the township and owing to the obliteration of evidence of the original survey the Forest Service has been unable to determine the location of the forest boundary although efforts to do so have been made for a number of years. Settlers along the boundary are interested in the matter of the proper identification of their claim lines and it is probable that a resurvey of the area will be found necessary as a result of the examination.

Fort McPherson Military Reservation, Nebraska.

The survey has been accepted and the official plats filed of the National Cemetery in former Fort McPherson Military Reservation on the south side of the Platte River, about 25 miles southeast of North Platte in Lincoln County, Nebraska.

Twenty acres of the former cemetery reservation were retained as permanent National Cemetery and 4.32 acres were reserved as part of Lincoln County Highway.

The remainder of the cemetery reservation was surveyed into two tracts of 50.39 and 44.82 acres which will soon be disposed of at public sale.

Survey of Tule Lake.

During the month just past special instructions have been approved for the completion of the survey of the bed of Rhett or Tule Lake in northern California. Rhett Lake appears to be the official designation of this former body of water, while Tule Lake is the popular name. It also has another name appearing in the older references to this lake, "Modoc Lake," and from an historical viewpoint it is unfortunate that it is not the latter name which is perpetuated, for this region, in the early pioneer days, was the habitat of this fierce and unruly tribe of Indians. On the eastern side of the lake is a place still known as "Bloody Point," where a wagon train of emigrants was massacred, the marauding

band later chased back to their strongholds in the Lava Beds by a party led by the Applegates, a remarkable pioneer family who have left their impress in all of the Pacific States. On the south side of the lake are situated the historical Lava Beds, where Captain Jack with his little band in the last Modoc War made so stubborn a resistance to the besieging force of soldiers, and was finally driven out and captured only with the aid of Indians from the Warm Springs tribe brought there for that purpose.

This lake was originally some 16 miles in length by about 12 miles in width and was situated partly in Oregon. Though fresh water, there was no visible outlet though it is probable there was some escapement of water from crevices of the lava which underlay the water at some places in the southern portion. There is a tradition of a former sink hole or whirlpool in the lake where the water apparently escaped through the bottom, the aperture in later years being obstructed and the sink hole disappearing. This may easily be a myth.

The lake was fed principally by the waters of Lost River and it is interesting to note that the source of this river is only about 6 miles east of the lake to reach which destination the water pursues a devious route of perhaps 100 miles.

Tule Lake Valley and the lake itself were included in the Klamath Reclamation Project in Oregon and California. Lost River was diverted by a canal and is now an affluent of the Klamath River. Deprived of the inflow the lake has gradually receded. All of the former bed situated in Oregon was surveyed in 1917. Since that time surveys have been made from time to time in California as considerable areas of land became exposed. It is thought that under the pending action the survey of the lake bed can be completed. The water has not entirely disappeared from the lake bed but what remains is generally shallow and the instructions provide for the extension of the lines of survey over and through the water unless the depth is found to be sufficient to actually prevent such procedure and this condition is not indicated by the contour maps of the Bureau of Reclamation. Long wooden post corners will be set in place of the regulation iron monuments where the water is too deep to permit the use of the latter in the customary way.

Assistant Supervisor for District No. 7.

Pending assignment of an Assistant Supervisor of Surveys for District No. 7, either by appointment or transfer, which position was made vacant by the death of Frank S. Spofford March 12, 1924, Murray D. Badgley, Technical Assistant to the Supervisor of Surveys at Boise, Idaho, has been authorized to conduct the routine business of the district and to approve vouchers.

CLASSIFICATION OF PUBLIC LANDS.

More than 100,000 acres of land in the States of Idaho, Washington, and Wyoming were included in formal orders designating the land as non-irrigable under the enlarged homestead acts and to that extent subject to entry as homesteads of 320 acres or less, according to a summary of the classification of public lands made during the month of February, 1924, by the Department of the Interior through the Geological Survey.

About the same area in Idaho, New Mexico, and Utah was classified under the stock-raising homestead law and designated for entry in tracts of 640 acres or less. Much of the acreage involved in these designations is included in original entries or in applications under the enlarged and stock-raising homestead acts which confer a preference right.

Nearly 20,000 acres of land in Montana and Utah were classified as power-site lands and the area of land in New Mexico withdrawn as valuable for public watering places was increased 35 acres by reason of the interpretation of the withdrawal in terms of new survey. Nearly 200 acres of land in Nevada previously included in coal withdrawal were classified as noncoal and restored to entry. Scattered tracts in Louisiana aggregating about 4,000 acres were classified as mineral land valuable for oil and gas. A little more than 10,000 acres in California, Colorado, and Wyoming were defined as within oil and gas structures under the act of February 25, 1920.

During February the Geological Survey reported upon the structural relations of lands embraced in 401 applications for prospecting permits under the oil sections of the leasing act of February 25, 1920, thus bringing the number of such reports rendered since the passage of the act to 22,189. Over 700 such applications were pending in the Survey February 29, 1924. During the month reports were rendered on 32 applications for coal prospecting permits and 31 applications for coal leases, making a total of 1,304 applications for coal permits and 509 applications for coal leases reported since the passage of the act.

HELIUM RESERVE NO. 1, - EXECUTIVE ORDER.

DEPARTMENT OF THE INTERIOR
United States Geological Survey
Washington

March 14, 1924.

The Honorable,

The Secretary of the Interior.

Sir:

In accordance with oral instructions from First Assistant Secretary Finney to prepare an order for a military and naval helium reserve in eastern Utah covering the Woodside anticline, a geological structure which has been demonstrated to contain valuable deposits of helium-bearing gas, I have prepared for submission to the President the following order of withdrawal (Helium Reserve No. 1), involving approximately 7,100 acres in Emory County, in which mineral title apparently vests, in greater part at least, in the United States.

Most of the land affected is in Petroleum Reserve No. 25, Utah No. 2, created by executive order of March 4, 1912, and has been subject heretofore to agricultural entry and filing under the act of August 24, 1912 (37 Stat. 497), and to coal, phosphate, sodium, oil, oil shale, or gas development under the act of February 25, 1920 (41 Stat., 437). The remainder of the land listed,

previously unwithdrawn for oil and gas, has been subject heretofore to filing and entry under any appropriate land law.

Respectfully,
GEO. OTIS SMITH,
Director.

I concur in the foregoing recommendation.

WILLIAM SPRY,
Commissioner, General Land
Office.

March 20, 1924.

Respectfully referred to the President
with favorable recommendation.

HUBERT WORK,
Secretary.

ORDER OF WITHDRAWAL.

Helium Reserve No. 1.

Under authority of the act of Congress approved June 25, 1910 (36 Stat., 847), as amended by the act of Congress approved August 24, 1912 (37 Stat., 497), it is hereby ordered that all lands hereinafter described be and the same are hereby withdrawn, subject to valid existing rights, from all forms of settlement, location, sale, or entry, and constituted as Helium Reserve No. 1, until this order is revoked by the President or by act of Congress.

Salt Lake Meridian.

T. 18 S., R. 13 E., Sec. 25, $E\frac{1}{2}$.
(Unsurveyed) Sec. 36, $NE\frac{1}{4}$, $E\frac{1}{2}$ of $NW\frac{1}{4}$, $S\frac{1}{2}$.

T. 19 S., R. 13 E., Sec. 1, all;
(Unsurveyed) Sec. 2, $E\frac{1}{2}$;
Sec. 11, $E\frac{1}{2}$;
Sec. 12, all;
Sec. 13, all;
Sec. 14, $E\frac{1}{2}$;
Sec. 23, $E\frac{1}{2}$;
Sec. 24, all;
Sec. 25, $N\frac{1}{2}$, $N\frac{1}{2}$ of $SW\frac{1}{4}$, $SE\frac{1}{4}$;
Sec. 26, $E\frac{1}{2}$ of $NE\frac{1}{4}$.

T. 18 S., R. 14 E., Sec. 30, lots 1, 2, 3, and 4.
Sec. 31, lots 1, 2, 3, and 4,
 $E\frac{1}{2}$ of $SW\frac{1}{4}$.

T. 19 S., R. 14 E., Sec. 6, $W\frac{1}{2}$;
(Unsurveyed) Sec. 7, $W\frac{1}{2}$;
Sec. 18, $W\frac{1}{2}$;
Sec. 19, $W\frac{1}{2}$;
Sec. 30, $W\frac{1}{2}$.

March 21, 1924.

CALVIN COOLIDGE,
President.

RECENT DECISIONS OF THE COURTS AND THE DEPARTMENT.

Public Lands--Jurisdiction of the Courts.

As far as it involves a question of law the courts have jurisdiction to review a decision of the Interior Department construing the act of December 28, 1876, authorizing the legal representatives of a specified person to locate on any land in what was Missouri Territory subject to sale.

Ware Scrip--Missouri Territory.

A Ware scrip location about 40 miles west of 100° west longitude and south of the Arkansas River is not authorized by the act of December 28, 1876, authorizing a scrip location "on any land in what was Missouri Territory subject to sale."

Colvin v. Fall.

(293 Federal Reporter, 653.)

(See notation of the Secretary's decision in this case,

Volume 6, Land Service Bulletin, September number, page 13.)

Public Lands--Mortgage by Homesteader.

A mortgage by a homestead entryman in good faith to secure a legitimate debt prior to issuance of patent is not an alienation within Revised Statutes, section 2296, providing that land acquired under homestead laws shall not become liable to debt contracted before issuance of patent.

Mortgage by Homesteader--Acquisition of Title by Wife.

Where a note and mortgage were executed by a homestead entryman and his wife before patent had issued, the subsequent acquisition of patent by the wife after her divorce and after her husband had relinquished his right of entry would not affect the validity of the mortgage. (Supreme Court of Montana.)

Lohman State Bank v. Grim.

(222 Pacific Reporter, 1053.)

Mining Claim--Oil and Gas Lands--Sections 2320 and 2329, Revised Statutes.

The provision in section 2320, Revised Statutes, that with respect to lode mining claims no location shall be made until there shall have been a discovery of the vein or lode within the limits of the claim located, was made applicable to placer mining claims by section 2329, Revised Statutes.

Oil and Gas Lands--Mining Claim--Patent.

A meager showing of oil in a well drilled on a location to a stratum of sand wholly separate and distinct from the underlying formations, in which workable oil deposits are expected to be developed within the limits of the claim, and in the vicinity thereof, does not constitute a valid discovery, and affords no legal basis for entry and patent under the placer mining laws.

Court Decisions Applied--Court Decision Disregarded.

Cases of Bay v. Oklahoma Southern Gas, Oil and Mining Company (73 Pac., 936), United States v. McCutchen (238 Fed., 575), and Chrisman v. Miller (197 U. S., 313), cited and applied; case of United States v. Ohio Oil Company et al. (240 Fed., 996), disregarded.

Oregon Basin Oil and Gas Company; decided October 12, 1923, by First Assistant Secretary Finney.

Mining Claim--Oil and Gas Lands.

To support a mining location, the discovery upon which the validity of the location is based must be of the particular deposit actually discovered within the limits of the claim for the reasonable prospect of the development of which into a valuable mine the evidence warrants further expenditure of time and money.

Mining Claim--Oil and Gas Lands--Evidence--Patent.

The fact that developments outside of a mining location, or that geological deductions indicate the existence within the limits of the claim, but unexposed therein, of deposits wholly unconnected with the deposit actually exposed or discovered, sufficient to warrant expenditures in the development of the claim, does not constitute a valid discovery of mineral upon which to predicate a right to a patent.

Court and Departmental Decisions Applied--Departmental Decision Distinguished.

Cases of Shoshone Mining Company v. Rutter (87 Fed., 801), Nevada Sierra Oil Company v. Home Oil Company (98 Fed., 673), Granlick et al. v. Johnston et al. (213 Pac., 98), Chrisman v. Miller (197 U. S., 313), Donnelly v. United States (228 U. S., 243), and Jefferson-Montana Copper Mines Company (41 L. D., 320), cited and applied; case of Castle v. Womble (19 L. D., 455), distinguished.

Oregon Basin Oil and Gas Company (on rehearing); decided

February 1, 1924, by First Assistant Secretary Finney.

Petition for exercise of supervisory authority denied,

February 21, 1924.

Timber Trespass--Public Lands--Damages.

In the settlement of cases against parties who have innocently, but wrongfully, taken timber from public lands in States which have not prescribed rules governing the measure of damages, the stumpage value, or the value of the timber in the standing trees, constitutes the full measure of damages that the Government is entitled to recover.

Departmental Circular Amended.

Circular No. 881 (49 L. D., 484), amended.

Instructions of December 12, 1923, by

First Assistant Secretary Finney.

Survey--Riparian Rights--Boundaries--Allotment--Oklahoma.

In establishing the side boundaries of claims of riparian proprietors to the area between the original meander line on the north and the medial line of Red River in Oklahoma in accordance with the decisions of the Supreme Court in the case of Oklahoma v. Texas, lines should be run from points representing the limits of frontage of the original claims on the meander line to points on the medial line at distances thereon proportionate to the lengths of frontage of the respective abutting owners.

Rule in Court Decision Applied.

Rule in Johnston v. Jones (1 Black, 210), applied.

Instructions of December 22, 1923, by

First Assistant Secretary Finney.

School Land--Coal Lands--New Mexico--Evidence--Burden of Proof.

The grant of certain specified sections of public lands for school purposes made to the State of New Mexico by its enabling act excepted mineral lands, and where, prior to its admission, granted sections had been classified as coal and offered for sale at a fixed price, those sections were prima facie not subject to the operation of the grant, but the burden of proof was cast upon the State to establish that the classification was erroneous.

School Land--Coal Lands--New Mexico--Land Department--Practice.

The Land Department will afford a State an opportunity to protest against any proposed disposal of lands within granted school sections which are alleged not to have passed under its school grant by reason of their mineral character.

Coal Lands--Oil and Gas Lands--Act of February 25, 1920.

The classification of public lands as valuable for coal does not prevent disposition of their oil and gas contents under the provisions of the act of February 25, 1920.

Court and Departmental Decisions Cited and Applied--Departmental Decisions Distinguished.

Cases of Washburn v. Lane (258 Fed., 524), and State of Utah v. Lichliter et al. (50 L. D. ____), cited and applied; cases of State of Utah (32 L. D., 117), Charles L. Ostenfeldt (41 L. D., 265), State of Utah v. Olson (47 L. D., 58), and State of Utah, Pleasant Valley Coal Company, intervener v. Braffet (49 L. D., 212), cited and distinguished.

Albert E. Dorf; decided December 27, 1923, by
First Assistant Secretary Finney.

Reclamation--Water Right--Notice--Application--Payment.

Upon the issuance of public notices pursuant to section 4 of the reclamation act of June 17, 1902, the construction charges specified in the notices become fixed charges against the lands, and the acceptance and approval of water right applications in a sense create a contractual relation between the applicants and the United States for the payment of the charges by the water users and the furnishing of irrigation water by the Government that can not be changed except with the consent of both parties.

Reclamation--Notice--Secretary of the Interior--Supervisory Authority.

The Secretary of the Interior has no general statutory authority to suspend, even temporarily, public notices issued by him pursuant to section 4 of the act of June 17, 1902, of lands irrigable under reclamation projects, nor does he possess supervisory power to do so in the absence of a specific statute authorizing it.

Reclamation--Water Right--Payment--Secretary of the Interior--Supervisory Authority.

Except where specifically authorized by law, the Secretary of the Interior is not empowered to grant extensions of time, either directly or indirectly, for the payment of charges accruing from individual water users upon reclamation projects.

Reclamation--Water Right--Payment--Forfeiture--Secretary of the Interior--
Supervisory Authority.

Inasmuch as the acts of June 17, 1902, and August 13, 1914, did not peremptorily declare in mandatory language that forfeiture must be declared, or that they will necessarily result by operation of law as soon as defaults in payments by water users on reclamation projects have occurred, it rests within the sound discretion of the Secretary of the Interior to determine whether an entryman may thereafter be permitted to cure the default by payment of the charges.

Court Decision Applied--Departmental Decisions Adhered To.

Case of *Swigart v. Baker* (229 U. S., 187), cited and applied; cases of *Morris Collar* (13 L. D., 339), *Theodore A. Sloane* (22 L. D., 210), *Milne v. Thompson* (25 L. D., 501), *Maurice E. Goldbert* (40 L. D., 509), and *Marquis D. Linsea* (41 L. D., 86), cited and adhered to.

Edwards, Solicitor; Opinion of December 31, 1923.

Approved: E. C. Finney, First Assistant Secretary.

Withdrawal--Oil and Gas Lands--Land Department--Evidence.

The practice of withdrawing lands contemplates their segregation for purposes of investigation and it is clearly the duty of the Land Department to seek such withdrawals whenever from evidence before it an inference or belief is warranted that lands are in fact mineral.

School Land--Reservation--Withdrawal--Oil and Gas Lands--Utah--Statutes.

The language in the proviso to section 6 of the enabling act of July 16, 1894, which excepted from the grant of public lands to the State of Utah for school purposes; those lands embraced in "Indian, military, or other reservation of any character," is sufficient to show an intention of including within its exception areas withdrawn for their prospective oil and gas values.

School Land--Oil and Gas Lands--Mining Claim--Mineral Lands--Vested Rights--
Words and Phrases--Statutes.

The term "valid claims" as used in section 37 of the act of February 25, 1920, relates to unperfected claims to mineral lands and does not contemplate a completed grant of nonmineral lands to a State in aid of its common schools.

School Land--Oil and Gas Lands--Mineral Lands--Survey--Withdrawal.

Where mineral lands are excepted from a grant of public lands for school purposes a petroleum withdrawal prior to survey has the effect of stamping the lands as *prima facie* mineral in character and, upon the approval of the survey, suspends the operation of the grant.

School Land--Oil and Gas Lands--Withdrawal--Survey--Evidence--Burden of Proof.

A petroleum withdrawal prior to survey of lands which, upon survey, are identified as lands granted to a State for school purposes, if nonmineral, has the effect of casting the burden of proof upon the State to produce evidence sufficiently convincing to warrant their nonmineral classification.

Oil and Gas Lands--Withdrawal--Prospecting Permit--Lease.

A petroleum withdrawal prior to the act of February 25, 1920, of unproven lands for the purpose of classification, was not extinguished by the passage of that act, inasmuch as the prospecting for oil and gas thereunder was intended merely as preliminary to leasing and not as a method of disposal, they being only subject to lease upon discovery of their value for mineral deposits.

School Land--Oil and Gas Lands--Withdrawal--Survey--Hearing--Evidence--Burden of Proof.

Where objection is made to a ruling by the Commissioner of the General Land Office that a petroleum withdrawal of lands which, upon subsequent survey, are found to be school sections, is sufficient to prevent the title from passing to the State upon the approval of the survey, determination of that point in order to fix the burden of proof and the necessity for a hearing should be insisted upon by the State before a hearing is had, otherwise proceeding with the hearing will be construed as an election to accept the ruling.

State of Utah v. Lichliter et al. (on reconsideration);
decided January 10, 1924, by First Assistant Secretary Finney.

Oil and Gas Lands--Prospecting Permit--Withdrawal--Preference Right.

The definition of a structure as within a producing oil and gas field is in effect a withdrawal of the lands from appropriation under section 13 of the leasing act, and an application for a permit, even though filed prior to such definition, does not confer any rights on the applicant that will inure to his benefit upon the exclusion of the lands by reason of the redefinition of the structure.

Oil and Gas Lands--Prospecting Permit--Reinstatement--Restorations.

Where an application for a prospecting permit is denied because of the inclusion of the lands within a producing oil and gas field, such application can not be revived by reinstatement upon a subsequent restoration of the lands, but they will be open to prospecting after their restoration as though no application had been filed.

Departmental Decisions Cited and Applied.

Cases of Hendricks v. Damon (44 L. D., 205), and Charles R. Haupt (48 L. D., 355), cited and applied.

H. A. Hopkins; decided December 18, 1923, by
First Assistant Secretary Finney.

Isolated Tracts--Occupancy--Homestead Entry--Application--Public Land.

Public land occupied by one under claim of title is not subject to entry by another, and an application to make homestead entry of such tract will not defeat the right of the occupant to acquire title under section 2455, Revised Statutes, which authorizes the sale of isolated tracts, or under any other applicable public land law.

Court and Departmental Decisions Cited and Applied.

Cases of Atherton v. Fowler (96 U. S., 513), Lyle v. Patterson (228 U. S., 211), Krueger v. United States (246 U. S., 69), Dence v. Ankeny (246 U. S., 208), Jones v. Arthur (28 L. D., 235), and Burtis v. Kansas (34 L. D., 304), cited and applied.

Earl E. Baughn and Charles Lord; decided January 14, 1924, by
First Assistant Secretary Finney.

Mortgagee--Enlarged Homestead--Patent--Oil and Gas Lands--Surface Rights.

Consent to accept a restricted patent in accordance with the provisions of the act of July 17, 1914, for oil and gas lands may be filed by a mortgagee if the homestead entryman after proper notification fails to do so.

Fred Gordon and Overly Lord and Mortgage Company; decided
January 14, 1924, by First Assistant Secretary Finney.

Homestead Entry--Patent--Purchaser--Oil and Gas Lands--Withdrawal--Evidence--Burden of Proof--Payment--Vested Rights.

Where by statute payment of the purchase price is all that remains to be done by one in order to acquire title to a tract of nonmineral public land, payment thereof entitles the purchaser to an unrestricted patent, if, prior thereto, there has been no withdrawal, classification, or report that the land was prospectively valuable for mineral, unless the Government assumes the burden of proof and shows that the land was of known mineral character at that time.

Court Decision Cited and Applied.

Case of State of Wyoming et al. v. United States (255 U. S., 489), cited and applied.

John W. Stanton; decided January 17, 1924, by
First Assistant Secretary Finney.

Mining Claim--Improvements--Forfeiture--Oil and Gas Lands--Withdrawal--Public Land.

The provision in section 2324, Revised Statutes, declaring that a mining claim upon which the required annual assessment work has not been performed shall be subject to relocation in the same manner as if no location of the same had ever been made, impresses the land in a defaulted claim with the status of public land which, as long as it remains in that state, may be withdrawn by the Government.

Withdrawal--Mining Claim--Oil and Gas Lands--Forfeiture.

A withdrawal under the act of June 25, 1910, is, in its nature, a continuing withdrawal which, although not attaching to land that at date of withdrawal was within a valid existing claim, attaches immediately upon default of the claimant thereafter.

Oil and Gas Lands--Mining Claim--Lease--Application--Practice.

A pending application for patent under the placer mining laws of oil and gas lands should be denied and finally disposed of before the lands are offered for lease under competitive bidding.

Departmental Decisions Cited and Applied.

Cases of Navajo Indian Reservation (30 L. D., 515), and E. C. Kinney (44 L. D., 580), cited and applied.

Interstate Oil Corporation and Frank G. Crittenden;
decided February 2, 1924, by First Assistant Secretary Finney.

Occupancy--Improvements--Homestead Entry--Purchaser--Contest--Preference Right--Estoppel.

One who has purchased improvements placed upon a tract of public land by a homestead entryman, and is occupying and cultivating the land at the time of the initiation of a contest by a third party, should be accorded the privilege of intervening with the view to determining his right to defeat the preference right of the contestant on the ground of equitable estoppel.

Leonard v. Vozza, Marquez, intervenor; decided
February 7, 1924, by First Assistant Secretary Finney.

Reclamation Homestead--Assignment--Final Proof--Fees.

The departmental rule that where a desert-land entry upon which final certificate had not issued is acquired by an assignee through mesne transfers, that assignee, if qualified, is entitled to hold the entry, although the intervening assignees were not qualified to take an assignment, is applicable prior to payment of final commissions to reclamation homestead entries upon which final proof of compliance with the ordinary requirements of the homestead law has been submitted and accepted.

Reclamation Homestead--Assignment--Water Right.

The limitations imposed on assignments of reclamation homestead entries are limitations, not on the qualifications of the assignee, but on the right of the assignee to receive water.

Reclamation Homestead--Oil and Gas Lands--Surface Rights--Fees--Patent--Withdrawal--Evidence.

Where land within a reclamation homestead entry is included within a petroleum reserve prior to payment of the final commissions, the entryman must consent to take a restricted patent as provided by the act of July 17, 1914, or apply for a reclassification of the land, and, in the latter alternative, the showing as to its mineral character must be as of the date of the payment of the final commissions.

Departmental Decisions Cited and Applied.

Cases of Augusta Ernst (42 L. D., 90), Edward Pierson (47 L. D., 625), Cleveland Johnson (48 L. D., 18), and Jacob Terrell (49 L. D., 671), cited and applied.

Amos N. S. Kelly; decided February 7, 1924, by
First Assistant Secretary Finney.

Oil and Gas Lands--Prospecting Permit--Desert Land--Surface Rights--Reservation--Words and Phrases.

The act of July 17, 1914, contemplates a reservation of mineral deposits in lands embraced in unperfected nonmineral entries wherever it appears from geologic data that prospecting operations are warranted, and lands having such prospective value are "valuable for" minerals within the meaning of the act, although no actual demonstrated existence of mineral deposits has been discovered.

Oil and Gas Lands--Homestead Entry--Surface Rights--Reservation--Evidence--Burden of Proof.

A departmental regulation declaring that a report by the Geological Survey that land covered by an unperfected nonmineral entry without a reservation of the oil and gas content has a prospective value for oil and gas, impresses the land with a prima facie mineral character sufficient to require the entryman to consent to a reservation of the minerals or to assume the burden of proof and show that the land is in fact nonmineral, carries out the intent of Congress as expressed in the act of July 17, 1914, and is valid.

Oil and Gas Lands--Homestead Entry--Final Proof--Evidence--Burden of Proof.

Where a report by the Geologic Survey, which shows that land within an unperfected nonmineral entry is prospectively valuable for its oil and gas contents, is lacking in the definiteness contemplated by the regulations issued pursuant to the leasing act, and is followed by a more specific report based upon the same facts, the first report is sufficient to put the nonmineral character of the land in issue, and submission of final proof prior to the supplemental report will not shift the burden of proof upon the Government.

Departmental Decisions Cited and Applied.

Cases of Marathon Oil Company v. West, United States intervener (48 L. D., 150), and State of Utah v. Lichliter et al. (50 L. D., ____), cited and applied. Foster v. Hess (on rehearing); decided February 8, 1924, by First Assistant Secretary Finney.

Patent--Lake--Montana--Riparian Rights.

An unrestricted patent issued by the Government conveying public lands abutting upon a nonnavigable lake in the State of Montana, in which the common law with respect to riparian proprietorship has been adopted, carries with it an absolute title to the lake bed.

Lake--Riparian Rights--Jurisdiction.

Prior to the issuance of an unrestricted patent by the Government to its lands abutting upon a nonnavigable lake, the law of the State in which the lands are situated has no effect upon the title to the lands in the lake bed, and the United States may dispose of the bed of the lake separate from the uplands without regard for local law.

Lake--Riparian Rights--Jurisdiction--Saline Land--Prospecting Permit--Lease--Patent.

Where the title to lands abutting upon a nonnavigable lake remains in the United States the Government, as a riparian proprietor, may grant permits and leases pursuant to the act of February 25, 1920, of the lake bed separate and apart from the uplands, but patents for the uplands must contain appropriate reservations.

Departmental Decision Overruled So Far As In Conflict.

Case of Clayton Phebus (48 L. D., 128), overruled so far as in conflict. William Erickson; decided February 20, 1924, by First Assistant Secretary Finney.

Repayment--Homestead Entry--Coal Lands--Relinquishment--Withdrawal--Act of March 26, 1908.

A claim for repayment based upon a relinquishment of a homestead entry after March 3, 1909, and subsequently to the inclusion of the land within a coal withdrawal, rather than accept a surface patent, comes within the purview of the act of March 26, 1908, and must be filed within the statutory period specified in the act of December 11, 1919.

J. M. Hudson; decided February 19, 1924, by First Assistant Secretary Finney.

Repayment--Homestead Entry--Coal Lands--Act of June 16, 1880.

Where an entry, allowed unconditionally, may be confirmed as to a surface patent, such entry is not one "erroneously allowed" within the contemplation of section 2 of the repayment act of June 16, 1880.

J. M. Hudson (on rehearing); decided March 8, 1914, by Assistant Secretary Goodwin.

Patent--Lake--Riparian Rights--Mineral Land--Saline Land.

An unrestricted patent issued by the Government, conveying lands abutting on a nonnavigable lake, divests it of all title to or interest in the lake bed, including minerals therein, and the extent of the title of the riparian proprietor is thereafter to be determined in accordance with the laws of the State in which the lands lie.

Riparian Rights--Lake--Montana.

Montana has specifically adopted by statute the common-law rule of ownership by riparian proprietors of lands underlying nonnavigable bodies of water wherever not inconsistent with its constitution, or the constitution and statutes of the United States.

Patent--Lake--Montana--Riparian Rights--Saline Land--Prospecting Permit--Land Department--Jurisdiction.

A patent conveying title without reservation to public lands abutting upon a nonnavigable lake in the State of Montana includes, in accordance with the common law, the lake bed as appurtenant to the uplands, and the fact that it has been the settled policy of Congress to reserve saline lands from disposal, except pursuant to special laws, does not confer upon the Land Department any jurisdiction thereafter to issue a permit to prospect for sodium in the bed of the lake.

Mineral Land--Saline Land--Lake Patent--Riparian Rights.

The rule that the known mineral character of public lands which have not been reported, withdrawn, or classified as mineral, must be determined as of the time when the claimant has completely fulfilled the requirements of the law under which he claims, in order that mineral deposits may be reserved to the United States, is as applicable to lands in lake beds which the Government knows will pass to the riparian proprietor as appurtenant to the upland, as it is to the upland itself.

Andrew A. Malcolm; decided February 23, 1924, by
First Assistant Secretary Finney.

Oil and Gas Lands--Withdrawal--Homestead Entry--Surface Rights--Patent--Evidence--Burden of Proof.

A published report by the Geological Survey that lands are prospectively valuable for oil or gas is sufficient to warrant their withdrawal for such deposits, and one who afterwards enters them under a nonmineral land law must either consent to take a restricted patent in accordance with the provisions of section 3 of the act of July 17, 1914, or assume the burden of proof and show that the lands are in fact nonmineral in character.

Oil and Gas Lands--Withdrawal--Homestead Entry--Surface Rights--Land Department--Laches.

A report by the Geological Survey that land is prospectively valuable for oil or gas is, as to its effect upon a subsequent nonmineral entry, tantamount to a withdrawal, and administrative delay by the Government in following up the report with a withdrawal or classification of the land until after an entry had been allowed and compliance with the homestead law completed, does not relieve the entryman from fulfillment of the requirements of the act of July 17, 1914.

Court and Departmental Decisions Cited and Applied.

Cases of Washburn v. Lane (258 Federal Reporter, 584), Columbus C. Mabry, on rehearing (48 L. D., 280), and State of Utah v. Lichliter et al. (50 L. D.——), cited and applied.

Marcus v. Gray et al.; decided February 23, 1924, by
First Assistant Secretary Finney.

Mineral Claim--Improvements--Forfeiture--Military Service.

The joint resolution of July 17, 1919, which, under certain specified conditions, exempted owners of mining claims who entered the military or naval service of the United States during the war with Germany, from the forfeiture penalty imposed for nonperformance of annual assessment work by section 2324, Revised Statutes, did not contemplate extension of its application substantially beyond the date of the establishment of a status of peace.

Mining Claim--Improvements--Adverse Claim--Notice--Land Department--Courts--Jurisdiction.

Disputes between rival claimants relating to the fulfillment by mining locators, or their successors in interest, of the legal requirements as to performance of annual assessment work, or relating to the filing of notices in compliance with a relief statute with a view to holding claims without the performance of such work, are not generally matters for departmental determination, but come exclusively within the jurisdiction of the courts.

Major Sewell M. Corbett; decided February 27, 1924, by
First Assistant Secretary Finney.

Coal Lands--Lease.

Section 4 of the act of February 25, 1920, which gives the Secretary of the Interior authority to grant a second coal lease to a lessee when it is shown that all of the workable coal deposits covered by the first lease will be exhausted within three years thereafter, provided that the aggregate areas do not exceed 2,560 acres, contemplates the granting of a second lease prior to the expiration of the original lease, and this provision for the taking and holding of more than one lease is one of the exceptions referred to in the excepting clause of section 27 of that act.

Coal Lands--Lease--Prospecting Permit.

Section 4 of the act of February 25, 1920, which authorizes the granting of a second coal lease to a lessee through the same procedure and under the same conditions as in case of an original lease, includes the authority to grant a prospecting permit as preliminary to a lease.

Coal Lands--Lease--Prospecting Permit--Preference Right.

An applicant for a coal-prospecting permit under section 4 of the act of February 25, 1920, does not acquire any preference right to a permit by virtue of the fact that he is operating under a lease of other public coal lands.

Coal Lands--Lease--Prospecting Permit--Contiguity.

The authority conferred upon the Secretary of the Interior by section 4 of the act of February 25, 1920, to grant a second coal lease or a prospecting permit to a lessee when it is shown that all of the workable deposits covered by the original lease will be depleted within three years thereafter, is not limited to contiguous lands.

Coal Lands--Section 27, Act of February 25, 1920--Words and Phrases.

The word "herein," as used in the excepting clause of section 27 of the act of February 25, 1920, has reference to the leasing act as a whole and not merely to the section in which it is used.

Departmental Decision Cited and Applied.

Case of Charles H. Loud (50 L. D., 151, 153), cited and applied.

Charles O. Stanley; decided February 28, 1924, by
First Assistant Secretary Finney.

ALASKA TIDELANDS - RIGHTS OF NATIVES.

DEPARTMENT OF THE INTERIOR
Office of the Solicitor
Washington

March 12, 1924.

The Honorable

The Secretary of the Interior.

Dear Mr. Secretary:

You submit for my opinion a question presented by William L. Paul, an attorney at law, of Ketchikan, Alaska, involving the title to certain tidelands near the town of Ketchikan.

Claiming to be a native Alaskan, a descendant of the Tongass tribe, with a power of attorney from the entire tribe. Mr. Paul asserts with some confidence that the United States is without power to deprive the natives of Alaska of any of their holdings without their consent. These circumstances suggest a more extended discussion of the situation than ordinarily would be required.

The domain embraced in the Territory of Alaska was acquired from Russia in 1867, by treaty dated March 30 of that year (15 Stat., 539). With reference to the rights of individuals in the territory so ceded; Article III of that treaty provides:

"The inhabitants of the ceded territory, according to their choice, reserving their natural allegiance, may return to Russia within three years; but if they should prefer to remain in the ceded territory, they, with the exception of uncivilized native tribes, shall be admitted to the enjoyment of all the rights, advantages and immunities of citizens of the United States, and shall be maintained and protected in the free enjoyment of their liberty, property, and religion. The uncivilized tribes will be subject to such laws and regulations as the United States may, from time to time, adopt in regard to aboriginal tribes of that country."

The act of May 17, 1884 (23 Stat., 24), which virtually constitutes the organic act for the Territory of Alaska, expressly declares in section 8:

"That the Indians or other persons in said district shall not be disturbed in the possession of any lands actually in their use or occupation or now claimed by them but the terms under which such persons may acquire title to such lands is reserved for future legislation by Congress." (Underscoring supplied.)

Section 11, et. seq., of the act of March 3, 1891 (26 Stat., 1095-1099), authorizing the establishment of townsites in Alaska, the acquisition by individuals of limited areas for trade or manufacturing purposes, etc., expressly excepts, in section 14, "any lands *** to which the natives of Alaska have prior rights by virtue of actual occupation." Section 15 of the latter act also reserved for use of the Metlakahtla Indians the body of lands known as "Annette Islands," but with these we are not here directly concerned other than to observe that it has since been held that the reservation so created extends to and includes adjacent "deep waters." See *Alaska Pacific Fisheries v. United States* (248 U. S., 77).

The foregoing abundantly illustrates the fact that the Indians and other "natives" of Alaska are in the same category as the other Indians of the United States. I have so held in a recent opinion dated May 18, 1923: (See 49 L. D., 592.) In other words, whether in Alaska or elsewhere in the territorial domain of the United States, the right of the aborigines, Indians, or otherwise, is simply that of use and occupancy subject to such further grant of title as Congress from time to time may see fit to accord. The proviso to section 8 of the act of May 17, 1884, reproduced above, clearly shows this in so far as the Indians of Alaska are concerned. From an early date, pursuant to the legislative intent indicated by Congress, this Department has consistently recognized and respected the rights of the natives of Alaska in and to the lands occupied by them. (See 13 L. D., 120; 23 L. D., 335; 24 L. D., 312; 26 L. D., 518; 28 L. D., 427; and 37 L. D., 339.)

So much for the situation generally. With respect to the tidelands immediately here in question it may be said by the act of May 14, 1898 (36 Stat., 409), the homestead laws of the United States were extended to the Territory of Alaska, and by section 10 of that act the Secretary of the Interior was authorized to reserve for use of the natives of Alaska "suitable tracts along the water front of any stream, inlet, bay, or seashore for landing places for canoes and other craft used by such natives." On August 5, 1905, pursuant to the authority just referred to, the Acting Secretary of the Interior reserved the lands described as:

"All the lands in the vicinity of the mouth of Ketchikan Creek which lie between the lands occupied by the natives and the limits of low tide of Tongass Narrows."

Subsequently the townsite of Ketchikan was established, pursuant to section 11 of the act of March 3, 1891, supra surveyed into lots, blocks, streets, and alleys and the lots therein, or the most of them at least, disposed of to private individuals. This town is now an incorporated municipality, as the act of February 7, 1920 (41 Stat., 402, Ch., 62), will show, but the reserve of the tidelands along Tongass Narrows heretofore established as a landing place for the benefit of the natives has never been vacated.

In prior communications to this Department Mr. Paul stated that the natives are tired of their present location in Ketchikan and for various reasons desire to move to some other locality near-by. With this in view Mr. Paul inquired if the natives would be permitted to sell their holdings, and by departmental letters of October 2 and December 1, 1923, he was advised that there is no authority under existing law by which these lands can be sold. It was further pointed out that by section 2 of the act of May 17, 1898, Congress had declared an intent to hold the tidelands and the beds of navigable streams in Alaska in trust for the people of the future State or States to be created out of that Territory, and that in the absence of additional legislation by Congress this Department was without authority to make any other disposal thereof. I see no occasion here to question the soundness of that view. As previously shown, until Congress grants some greater title, the right of the natives in Alaska is simply one of use and occupancy. Nor does the reservation of a particular area for their benefit result in placing actual title in the Indians. This is clearly shown by the ruling of the Supreme Court in the Alaska Pacific Fisheries case, supra, involving the reserve for the Metlakahtla Indians, wherein the court said, page 88:

"The reservation was not in the nature of a private grant, but simply a setting apart, 'until otherwise provided by law,' of designated public property for a recognized public purpose--that of safe-guarding and advancing a dependent Indian people dwelling within the United States."

Prior to the admission of a new State Congress has the power, of course, by grant or otherwise, to dispose of lands underlying navigable waters, tide or inland, in any of the territorial domain of the United States: *Shively v. Bowlby* (152 U. S., 1). In the absence of specific legislation by that body, however, title to such lands can not be acquired by any individual or group of individuals, Indian or otherwise: *Mann v. Tacoma Land Company* (153 U. S., 273), and *Alaska Pacific Fisheries v. United States*, supra. So also, about the plenary power of Congress over tribal Indian property there can be no doubt, and in the absence of an express grant the power so resting in Congress extends even to the abrogation, by statute, of the provisions of a prior treaty: See *Lone Wolf v. Hitchcock* (187 U. S., 553-565, and cases there cited.)

I am of the opinion that the tide or other lands occupied by or reserved for the Indians at Ketchikan, Alaska, can not be disposed of under existing law but that the power rests with Congress, by statute, with or without the consent of the Indians, to provide for the ultimate disposal of those lands. Respectfully,

Approved: March 12, 1924,

JOHN H. EDWARDS, Solicitor.

F. M. GOODWIN, Assistant Secretary. -49-

MEMORANDUM AS TO THE CAREY ACT
STATUTES AND REGULATIONS.

There are a number of statutes comprising the law commonly referred to as the Carey Act, but copies of these and of the departmental regulations thereunder are not available for distribution. The following paragraphs, however, will give the citation and the general purport of each of these statutes:

Section 4 of the act of August 18, 1894 (28 Stat., 372, 422), authorizes the Secretary of the Interior with the approval of the President, to contract and agree to patent to States in which there are desert lands not to exceed 1,000,000 acres of such lands, to each State, under the conditions specified in the act. The lands selected by the several States, within their respective boundaries, are segregated from the public domain for a period of ten years, the State undertaking within that time to cause an adequate irrigation system to be constructed, and a sufficient water supply to be made available in a substantial ditch, for the reclamation of the lands by irrigation. The lands when patented are disposed of by the States to actual settlers.

The act of June 11, 1896 (29 Stat., 413, 434), authorizes a lien on the land for the cost of construction of the irrigation works, and permits the issuance of patent without actual cultivation of the land.

Section 3 of the act of March 3, 1901 (31 Stat., 1133, 1188), authorizes an extension of the period of segregation for five years.

The act of March 1, 1907 (34 Stat., 1057), extends the provisions of the law to the former Southern Ute Indian Reservation in Colorado.

The Joint Resolution approved May 25, 1908 (35 Stat., 577), grants to the State of Idaho an additional 1,000,000 acres.

The act of May 27, 1908 (35 Stat., 317, 347), grants to the State of Idaho an additional 1,000,000 acres, and to the State of Wyoming an additional 1,000,000 acres.

The act of February 18, 1909 (35 Stat., 638, 639), extends the provisions of the Carey Act to the States of Arizona and New Mexico.

The act of February 24, 1909 (35 Stat., 644, 645), extends the provisions of the Carey Act to the former Ute Indian Reservation in Colorado.

The act of March 3, 1909 (35 Stat., 844), permits the States to elect to receive patent for coal lands with reservation of the coal to the United States.

The act of March 15, 1910 (36 Stat., 237), authorizes a temporary withdrawal for one year of lands which the State may propose to select with a view to enabling the State to examine the lands and plan the method of reclamation.

Section 23 of the act of April 4, 1910 (36 Stat., 269, 285), extends the provisions of the Carey Act to the former Uintah Indian Reservation in Utah.

Section 27 of the act of April 4, 1910 (36 Stat., 269,288), as amended by section 18 of the act of June 25, 1910 (36 Stat., 855, 860), extends the Carey Act to the former Wind River Indian Reservation in Wyoming.

The act of June 22, 1910 (36 Stat., 583), permits Carey Act selections to be made for coal lands where the selection is made with a view to obtaining title to the surface only.

The act of February 16, 1911 (36 Stat., 913), extends the Carey Act to the former Ft. Bridger Military Reservation in Wyoming.

The act of February 21, 1911 (36 Stat., 925), permits the sale of surplus water by the United States Bureau of Reclamation for use upon Carey Act lands.

The act of March 4, 1911 (36 Stat., 1363, 1417), grants the State of Nevada an additional 1,000,000 acres.

The Joint Resolution of August 21, 1911 (37 Stat., 38), grants the State of Colorado an additional 1,000,000 acres.

The act of August 24, 1912 (37 Stat., 496), extends the provisions of the Carey Act to oil and gas lands in the State of Utah where the selection is made with a view to obtaining title with a reservation of the mineral to the United States.

The act of February 27, 1913 (37 Stat., 687), makes a similar provision with regard to oil and gas lands in the State of Idaho.

The act of September 30, 1913 (38 Stat., 113), governs the methods of restoration to the public domain of lands withdrawn for any purpose, including Carey Act segregations and withdrawals.

The act of July 17 1914 (38 Stat., 509), provides for Carey Act selections upon lands containing phosphate, nitrate, petroleum, oil, gas, or asphaltic minerals where the selection is made with a view to obtaining title with a reservation of the mineral to the United States.

The act of February 14, 1920 (41 Stat., 407), relates to preference rights of Carey Act entrymen upon lands restored to the public domain from Carey Act segregations.

Public Resolution No. 29 (41 Stat., 434), approved February 14, 1920, grants a preference right to ex-service men upon lands restored from Carey Act segregations to the public domain.

The act of January 6, 1921 (41 Stat., 1085), further amends the Carey Act by limiting the time within which the work of reclamation must be commenced.

Public Resolution No. 36 (42 Stat., 358), approved January 21, 1922, amends Public Resolution No. 29, relative to preference rights of ex-service men.

Regulations.

The departmental regulations governing Carey Act selections are printed

in the Land Decisions of the Department of the Interior as follows:

- 34 L. D., 365, Action on relinquishments. January 10, 1906.
- 36 L. D., 342, States to report annually the lands patented to individuals. March 30, 1908.
- 37 L. D., 489, Instructions to agents and inspectors. March 9, 1909.
- 37 L. D., 624, General Regulations. April 9, 1909.
- 37 L. D., 682, Applications for extension of time. May 13, 1909.
- 38 L. D., 287, Unsurveyed lands. November 3, 1909. Modified, 41 L. D., 649. March 15, 1913.
- 38 L. D., 580, Temporary withdrawal. April 25, 1910.
- 41 L. D., 256, Amending 38 L. D., 580. September 7, 1912.
- 41 L. D., 649, State of Utah--Unsurveyed lands. March 15, 1913.
- 43 L. D., 281, Amending 38 L. D., 580. June 17, 1914.
- 44 L. D., 32, Phosphate, oil, and other mineral lands, act July 17, 1914. Circular 393. March 20, 1915.
- 45 L. D., 535, Eliminations from pending or approved applications for segregation or withdrawal. November 23, 1916.
- 46 L. D., 121, Instructions under act of September 30, 1913 (38 Stat., 113). May 17, 1917.
- 46 L. D., 126, Carey Act lands in Idaho. Acquisition of area in excess of legal limit. June 27, 1917.
- 47 L. D., 346, Disposition of applications. Circular 678. March 31, 1920. Amended May 1, 1922.
- 47 L. D., 605, Preference right of Carey Act entrymen on restored Carey Act lands. Circular 731. December 10, 1920.
- 49 L. D., 1, Preference rights of ex-service men. Amending 47 L. D., 346. Circular 822, May 1, 1922.

Inquiries relative to the acquisition of title by individuals to lands segregated or patented to a State under the Carey Act, and inquiries by persons desiring to contract with a State for the construction of a system of works for the irrigation of lands under the Carey Act, should be addressed to the officials of the particular State, as follows:

- Arizona: State Land Commissioner, Phoenix.
- Colorado: State Board of Land Commissioners, Denver.
- Idaho: The Commissioner of Reclamation, Boise.
- Montana: Carey Land Act Board, Helena.
- Nevada: Commission of Industry, Agriculture and Irrigation, Carson City.
- New Mexico: Carey Act Land Board, Santa Fe.
- Oregon: Desert Land Board, Salem.
- Utah: State Land Commissioner, Salt Lake City.
- Wyoming: State Board of Land Commissioners, Cheyenne.

Approved: March 21, 1924.
WILLIAM SPRY,
Commissioner.

DEPARTMENT OF THE INTERIOR

General Land Office

Washington

1078291

PUBLIC LANDS RESTORED TO HOMESTEAD ENTRY AND OTHER DISPOSITION BY
PROCLAMATION, EXECUTIVE OR DEPARTMENTAL ORDER.

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Preference Rights to Ex-Service Men of the War with Germany.

General Method of Opening:

By virtue of Public Resolution No. 29, of February 14, 1920 (41 Stat., 434), as amended by Public Resolutions Nos. 36 and 79, approved January 21 and December 28, 1922, respectively, hereafter and until February 15, 1930, when any surveyed lands within the provisions of the public resolutions are opened or restored to disposition under the authority of the Department, such lands, unless otherwise provided in the order of restoration, shall become subject to appropriation under the laws applicable thereto in the following manner, and not otherwise:

Lands not affected by the preference rights conferred by the acts of August 18, 1894 (28 Stat., 394), or June 11, 1906 (34 Stat., 233), or February 14, 1920 (41 Stat., 407), will be subject to entry by soldiers under the homestead and desert-land laws, where both of said laws are applicable, or under the homestead law only, as the case may be, for a period of 91 days, beginning with the date of the filing of the township plat in the case of surveys or resurveys, and with the date specified in the order of restoration in all other cases, and thereafter to disposition under all of the public land laws, applicable thereto, except where homestead entrymen are granted a prior preference period under the order. For a period of 20 days and for a like period prior to the date or dates such lands become subject to entry by the general public, soldiers in the first instance, and any qualified applicants in the second, may execute and file their applications, and all such applications presented within such 20-day periods, together with those offered at 9 o'clock a.m., standard time, on the dates such lands become subject to appropriation under such applications, shall be treated as filed simultaneously.

Unsurveyed lands are not subject to homestead or desert-land entry. A homestead entry may embrace 160 acres, or an approximation thereof, and where the lands are of the character contemplated by the 320 or 640 acres homestead acts, applications for the unappropriated lands may be filed by qualified persons, under either of said acts; accompanied by proper petitions, if undesignated, for the designation of lands thereunder, and such applications will be suspended pending determination as to the character of such lands.

The following are restorations or openings which will occur in the near future and concerning which further information may be obtained from the local offices:

(409)

IDAHO:

MONTANA:

NEVADA:

NEW MEXICO:

OREGON:

UTAH:

OPEN TO ENTRY THROUGH SURVEYS.

The official plats of the survey of public lands have been transmitted to Surveyors General with instructions to transmit copies thereof to United States land offices for official filing as follows:

Sec. 1 of T. 61 N., R. 2 E., and the E¹/₂ of Sec. 2, T. 29 N., R. 3 E., B. M., Idaho, with letters dated February 11 and 20, 1924, respectively, approximately 950 acres; United States land offices at Coeur d'Alene and Lewiston.

Fractional T. 7 S., R. 22 E., and fractional T. 8 S., R. 24 E; Ts. 5 S., R. 69 E; T. 7 S., R. 58 E; T. 22 N., R. 26 E; Ts. 22 and 23 N., R. 27 E., P. M., Montana, with letters dated February 1 and 2, 1924, approximately 111,700 acres; United States land offices at Billings, Miles City, and Havre.

Townships 23 and 24 N., R. 45 E., and T. 27 N., R. 37 E., M. D. M., Nevada, with letter dated February 4, 1924, approximately 69,000 acres; United States land office at Elko.

Township 18 S., R. 19 E., T. 14 S., Rs. 6 and 7 E., N. M. P. M., New Mexico, with letters dated February 2 and February 20, 1924, approximately 56,500 acres; United States land offices at Roswell and Las Cruces.

Fractional T. 36 S., R. 21 E., W. M., Oregon, with letter of February 1, 1924, approximately 3,000 acres; United States land office at Lakeview.

Fractional T. 29 S., R. 1 W., T. 30 S., R. 1 W., T. 37 S., R. 25 E., S. L. M., Utah, with letter dated March 1, 1924, approximately 55,000 acres; United States land office at Salt Lake City.

The dates of filing will be fixed by the registers of the several offices and the public lands indicated will be opened to entry and subject to prior valid settlement rights and equitable claims, ex-service men of the World War will be entitled to a preference right to enter these lands under the homestead and desert-land laws for a period of 91 days, beginning with the date of filing of the plats under Public Resolutions Nos. 36 and 79, dated January 21 and December 28, 1922, respectively.

In addition to the above, T. 36 S., R. 25 E., and fractional T. 29 S., R. 26 E., Utah, aggregating about 27,000 acres, were surveyed upon application of the State, as were also portions of the townships in New Mexico named above, aggregating about 4,000 acres, and the public lands involved were withdrawn under the provisions of the act of August 18, 1894 (28 Stat., 394), until 60 days after the date of filing of the plats, during which period the States have a preference right to select lands therein in satisfaction of public land grants. Upon the expiration of such period, ex-service men of the World War are entitled to the preference right heretofore indicated for lands not selected by the States. All lands will be open to general disposition on the expiration of the preference periods indicated.

The lands in Idaho are reported as mountainous and rolling, covered with timber. The soil is a gravelly and rocky loam, third and fourth rate.

In Montana the lands are generally rolling and broken. The soil varies from sandy and clay loam, rocky in places, to gumbo bad lands, second and third rates, but nearly all of it produces a fair growth of grasses, valuable for grazing purposes.

Parts of Ts. 23 and 24 N., R. 45 E., Nevada, are rolling and level and could be put under cultivation if sufficient water could be obtained, but the greater portions as also the lands in T. 27 N., R. 37 E., are mountainous and chiefly valuable for grazing purposes.

In T. 14 S., Rs. 6 and 7 E., New Mexico, the lands are gently rolling and level. The soil varies from a sandy loam, second rate, to gypsum and alkaline flats, third and fourth rate. T. 18 S., R. 19 E., is rolling and broken, soil stoney and rocky, fourth rate.

The lands in Oregon are open and gently rolling. Well watered, some scattering timber and good grazing.

The lands in Ts. 29 and 30 S., R. 1 W., Utah, are mountainous and heavily rolling mesas, and the other townships are rolling and broken. There is more or less scattering scrub timber in all townships and an undergrowth of sage brush, and a fair stand of grass affords fair grazing for stock. The soil on the rough and mountainous portions is rocky, third and fourth rate; other portions sandy and clay loam, second rate.

FROM STOCK DRIVEWAY WITHDRAWAL.

(410)
NEVADA:

319.23 acres in Elko County, Elko land district open to entry under the homestead and desert-land laws for ex-service men of the war with Germany for a period of ninety-one days, beginning March 29, 1924. Filings may be presented at any time during the twenty days prior to that date. On and after June 28, 1924, any of such lands remaining unentered will be subject to appropriation under any public land law applicable thereto by the general public.

The land is released from stock driveway withdrawal; is designated under the enlarged homestead act of February 19, 1909, and is rough grazing land. Further information, if desired, may be obtained from the United States land office at Elko.

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FROM SEGREGATION UNDER THE CAREY ACT.

(411)
WYOMING:

932.63 acres in Bighorn County, Buffalo land district, opened to entry under the homestead and desert-land laws by ex-service men of the World War, beginning April 8, 1924, and opened to entry by the general public under any applicable public land law, beginning July 8, 1924.

All the land has been released from segregation for Carey Act purposes. The individual tracts are widely scattered, having been excluded when the remaining lands of the original project were resegreated.

(412)

RESTORATION FROM CAREY ACT SEGREGATION.

MONTANA:

16,087.86 acres in Teton and Chouteau counties, Great Falls land district, Montana, opened to homestead and desert-land entry by ex-service men of the World War, beginning April 18, 1924.

Filings by ex-service men may be presented during the 20 days prior to that date, such filings to be considered as simultaneously made and to be disposed of by lot.

Beginning July 18, 1924, any of said lands remaining unentered will be subject to appropriation under any of the applicable public land laws by the general public.

Available information indicates that these lands are a rise slightly above the ordinary plain level which forms the divide between two intermittent prairie streams tributary to Pondera Coulee. They are smooth or gently rolling and physically cultivable, the soil being a deep-clay loam. On the better class of cultivable land in this vicinity good crops of wheat, oats, and flax have been grown by ordinary farm methods without irrigation in years when more than the average amount of precipitation is received.

The data at hand indicates that part of these lands might be classified as capable of producing crops without irrigation by application of proper dry farm methods and as being more valuable for this purpose than for grazing.

Such data, however, are insufficient to serve as a basis for determining accurately the subdivisions proper for inclusion in this class and it has been deemed inadvisable to classify any of the lands as properly subject to designation under the stock-raising homestead act. All have, however, been designated under the enlarged-homestead act of February 19, 1909 (35 Stat., 639), effective March 10, 1924.

(7142)

RESTORATION FROM RECLAMATION WITHDRAWAL.

(413)

COLORADO:

About thirty thousand acres in Pueblo and Huerfano Counties, Pueblo land district, are restored from reclamation withdrawal and will be open to homestead and desert-land entry only to ex-service men of the World War, beginning April 19, 1924, subject, however, to valid, prior settlement and preference rights; filings may be presented during the 20 days preceding that date or from March 31, 1924, to April 18, 1924, inclusive. If any land remains unentered on July 19, 1924, it will then become subject to appropriation under any applicable public land law by the general public. The lands are in the vicinity of the Huerfano River and the city of Walsenburg, which is the county seat of Huerfano County and is on the Colorado Southern Railroad, a branch line of the Denver and Rio Grande Railroad. Available information indicates that the lands are mostly rolling and level and the soil first and second rate.

Since the lands are restored from reclamation withdrawal no water for irrigation purposes will be available from a Federal irrigation project.

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FROM STOCK DRIVEWAY WITHDRAWAL.

(414)

UTAH:

One thousand and sixteen hundred acres in San Juan County, Salt Lake City land district, open to entry under the homestead and desert-land laws by ex-service men of the war with Germany for a period of ninety-one days, beginning April 15, 1924. Filings may be presented at any time during the twenty days prior to that date. On July 15, 1924, any of such lands remaining unentered will be subject to appropriation under any public land law applicable thereto by the general public.

The land is released from stock driveway withdrawal and is reported to be agricultural in character. Further information, if desired, may be obtained from the United States land office at Salt Lake City.

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RESTORATION FROM POWER SITE RESERVE.

(415)

WYOMING:

About three thousand acres in Carbon County, Wyoming, Cheyenne land district, are restored from power site withdrawal and will be open to homestead and desert-land entry to ex-servicemen of the World War, beginning April 26, 1924. Filings may be presented during the twenty days prior to that date, such filings to be considered as simultaneously filed and to be disposed of by lot. From July 26, 1924, any of said lands remaining unentered will be subject to appropriation under any of the applicable public land laws by the general public.

The lands are located near the Encampment River, the city of Encampment, and the Union Pacific Railroad.

OPEN TO ENTRY THROUGH SURVEYS.

(416)

ARIZONA:

CALIFORNIA:

IDAHO:

NEVADA:

The official plats of the survey of public lands have been transmitted to Surveyors General with instructions to transmit copies thereof to the United States land offices for official filing as follows:

T. 6 N., R. 3 E., and portions of T. 2 S., R. 1 E., and T. 5 S., R. 10 E., G. and S. R. M., Arizona, with letter dated March 26, 1924, approximately 38,000 acres; United States land office at Phoenix.

T. 8 N., R. 11 E., and part of T. 8 N., R. 12 E., S. B. M., California, within the limits of railway land grants, with letter dated March 26, 1924, approximately 24,000 acres; United States land office at Los Angeles.

T. 23 N., R. 2 E., B. M., Idaho, with letter dated March 8, 1924, approximately 21,500 acres; United States land office at Boise.

Fractional T. 8 N., R. 29 E., M. D. M., Nevada, with letter dated March 24, 1924, approximately 6,000 acres; United States land office at Carson City.

The dates of filing will be fixed by the registers of the several offices and the public lands indicated will be opened to entry and subject to prior valid settlement rights and equitable claims, ex-service men of the World War will be entitled to a preference right to enter these lands under the homestead and desert-land laws for a period of 91 days, beginning with the date of filing of the plats under Public Resolutions Nos. 36 and 79, dated January 21 and December 28, 1922, respectively. All lands will be opened to general disposition on the expiration of the 91-day period.

The lands in Arizona are reported as mountainous, rolling, and level. The soil over the level and rolling lands is a sandy, gravelly loam, second and third rate; on the mountainous lands, rocky and fourth rate. There is a scattering growth of timber and a fair growth of grass over all.

In California the lands are mountainous, excepting a comparatively gentle slope extending from section 24 on the east boundry to section 5 on the north boundry of T. 8 N., R. 11 E. The soil on the level portions is alluvial sand with boulders, while the mountains are mostly granite and rock. The vegetation consists of grease wood, shad scale, cactus, and other arid land growths.

The lands in T. 23 N., R. 2 E., Idaho, are mountainous and covered with a fine growth of timber. The township is well watered and the undergrowth affords grazing for sheep. The soil is a clay loam, first, second and third rates.

In Nevada the lands are mountainous and rolling, some scattering timber with undergrowth of sage brush, aspen, and willow.

Circular No. 920.

DEPARTMENT OF THE INTERIOR

General Land Office

Washington

March 14, 1924.

- : Regarding disposition of additional
- : homestead applications under section
- : 2 of the act of April 28, 1904
- : (33 Stat., 527).

Registers and Receivers,

United States Land Offices.

Gentlemen:

The purpose of this circular is to correct an erroneous practice adopted by some of the local land officers in disposing of applications to make homestead entries under section 2 of the act of April 28, 1904 (33 Stat., 527), as additional to original entries perfected under the three or five-year homestead law.

The additional rule relating to additional entries under the act of April 28, 1904, as set forth in Circular No. 177, dated October 2, 1912 (41 L. D., 292), in part, reads as follows:

"but the applicant will be required to begin within 20 days from the filing of his application, publication of notice thereof, that the purpose thereof is to allow all persons claiming the land adversely or desiring to show it to be mineral in character an opportunity to file objection to the application with the local land officers for the land district in which the land is situate and to establish their interests therein, or the mineral character thereof."

A number of the local land officers are allowing the applications and then ordering publication and some are allowing the applications without following with publication.

The correct procedure upon the filing of such applications, if regular, is to examine the records of your office for any objections to their allowance and in event none are shown to issue the notice for publication with the instruction that the publication must begin within 20 days from the date the homestead application was filed.

The publication should show that the homestead applications are made, if such be the case, subject to whatever mineral or other reservation is properly applicable thereto.

If the party fails to begin publication within the period prescribed, or fails to furnish evidence of such publication when made, you will reject the application subject to the right of appeal.

Not until the expiration of the publication period and then only after proper evidence of publication has been furnished your office and no objection to the allowance of the applications has been received, should the homestead applications be allowed.

Promptly upon the allowance of the homestead applications the final certificate should be issued, therefore, the final commissions should be paid with the applications to be earned and applied only after publication, in the absence of any objection to the issuance of the final certificate.

Very respectfully,

WILLIAM SPRY,

Commissioner.

(7011)

Circular No. 921.

EXAMINATION OF RECORDS BEFORE ALLOWING ENTRIES.

DEPARTMENT OF THE INTERIOR

General Land Office

Washington

March 17, 1924.

Registers and Receivers,

U. S. Land Offices.

Gentlemen:

My attention has been recently called to several cases where homestead entries have been erroneously allowed by the local land officers for the reason that the lands were within the limits of a national forest and had not been listed under the act of June 11, 1906, or for other reasons which prohibit entries being allowed.

Such action has caused the entryman loss of time and a great amount of money in establishing and maintaining residence and otherwise complying with the law on the supposition that his entry was properly allowed and after he has done all that is required of him, it is discovered that the entry must be canceled.

In order to avoid repetition of such conditions, you are directed to make a thorough and careful examination of all the records of your office, prior to the actual allowance of any entry to be sure that there are no withdrawals or other impediments to favorable action. Furthermore, after allowance if you discover any reason to doubt the validity of the entry, the same should be reported immediately to this office.

Very respectfully,

WILLIAM SPRY,

Commissioner.

(7087)

CIRCULAR NO. 922.

Coal Land Regulations -- Paragraphs
8 and 22 amended.

DEPARTMENT OF THE INTERIOR

General Land Office

Washington

March 13, 1924.

Registers and Receivers,

United States Land Offices.

Sirs:

Paragraph 8 of the regulations (Circular No. 679) of April 1, 1920 (47 L. D., 489), governing coalmining leases, permits, and licenses under the act of February 25, 1920 (41 Stat., 437), which paragraph was amended February 15, 1922 (Circular No. 809 -- 48 L. D., 439), is hereby amended to read as follows:

8. Minimum Development. An actual bona fide expenditure for mine operation, development, or improvement purposes of the amount determined by the Secretary and stated in the lease offer hereinafter referred to, is adopted as the minimum basis for granting leases, with the requirement that not less than one-third of the required investment shall be expended in development of the mine during the first year, and a like amount each year for the two succeeding years, the investment during any one year over such proportionate amount for that year to be credited on the expenditure required for the ensuing year or years. If the investment to be made is fixed at more than \$10,000, the lessee shall furnish a bond, with approved corporate surety or with two qualified individual sureties, conditioned upon the expenditure of the specified amount of investment. After the required investment has been made, a bond in the sum of \$5,000, with approved corporate surety, conditioned upon compliance with the terms of the lease, will be required. In case of lease of a small area, where the investment to be made is \$10,000 or less, the lessee shall furnish a bond, with approved corporate surety or with two qualified individual sureties, to cover both the investment and compliance with the terms of the lease, such bond to be in half the amount of the investment to be made, but in no case less than \$1,000. With bonds signed by individual sureties must be filed affidavits of justification by the sureties that each is worth double the sum specified in the undertaking over and above his just debts and liabilities in real property exempt from execution, and a certificate by a judge or clerk of a court of record, a United States District Attorney, a United States Commissioner, or a United States Postmaster, as to the identity, signatures and financial competency of the sureties. All bonds will be examined from time to time as to their sufficiency, and additional security will be required whenever deemed necessary.

Paragraph 22 of said regulations is hereby amended by adding an additional paragraph, as follows:

(g) After a permit is ready for delivery, the permittee will be notified and allowed thirty days within which to furnish a bond, with approved corporate surety or two qualified individual sureties (with evidence of qualification as provided in paragraph 8), in the sum fixed by the Secretary when the permit is granted, but not to exceed \$500, conditioned upon compliance with the terms of the permit and against failure of the permittee to use reasonable precautions to prevent damage to the coal deposits or to leave the premises in a safe condition upon the termination of the permit. Bond with additional obligations therein will be required where the permit embraces lands entered or patented with the coal reserved under the act of June 22, 1910 (36 Stat., 583), or where the lands are a portion of a reclamation project.

Very respectfully,

WILLIAM SPRY,

Commissioner.

Approved: March 13, 1924.

E. C. FINNEY,

First Assistant Secretary.

Circular No. 923.

AMENDING PARAGRAPH 282, CIRCULAR NO. 616.

DEPARTMENT OF THE INTERIOR

General Land Office

Washington

March 22, 1924.

Chiefs of Field Divisions,
Hearings Officers, and Hearings Clerks,
and Special Disbursing Agents.

Sirs:

Effective April 1, 1924, paragraph 282, Circular No. 616, is hereby amended to read as follows:

282.--Authorization for Expenditure.--At least two weeks before the beginning of each quarter Chiefs of Field Division will submit quarterly estimates in triplicate on Form 4-638a and allotments will be made by the approval and return of a copy of the estimate. Schedules of hearings (Form 4-638) will still be required, but the amount column will be left blank. Supplemental estimates may be submitted when necessary, but they must be plainly marked "Supplemental" and should be avoided whenever possible, and any excess of allotments over the amount needed to the close of a fiscal year must be promptly reported so that the amount may be released for allotment to other divisions. Disbursing officers are not authorized to pay any hearings voucher unless it bears the initials, in the blank space under the certifying officer's certificate, of the chief of division or of an employee designated by him as hearings clerk, and the placing of such initials on a voucher shall be construed as a certificate by the one whose initials are so placed that the amount of the voucher added to all the other vouchers theretofore certified for services of that fiscal year does not exceed the amount allotted to that division for the period.

Very respectfully,

APPROVED: March 22, 1924.

E. C. FINNEY,

First Assistant Secretary.

WILLIAM SPRY,

Commissioner.

(7095)

OIL AND GAS ACTIVITIES.

During the month of March, 313 new cases were received as against 254 in the preceding month. Old cases received for further action numbered 1,650, an increase over the previous month. New permits were issued in 332 cases, 372 applications were finally rejected in toto and 75 in part; 401 applications were rejected subject to the right of appeal; 44 assignments of rights under the permits were acted upon and 318 applications for extensions of time for drilling operations were disposed of; 90 permits were held for cancellation and 54 were canceled. During the month departmental decisions were rendered whereby 19 actions were affirmed, 3 modified, and 1 reversed. Five hundred and thirty-seven applications were examined and reports thereon called for from the Geological Survey and Reclamation Bureau.

Under the "relief" sections of the leasing act, 2 permits and 1 lease were issued; 6 applications finally rejected; 7 assignments acted upon, and 10 extensions of time granted.

RECEIPTS UNDER THE LEASING ACT.

Receipts under the mineral leasing act for the month of February were \$745,476.15.

CONSOLIDATED WORK REPORT OF LOCAL LAND OFFICES FOR THE MONTH OF

FEBRUARY, 1924.

OFFICES.	End Last Month.			Received and Disposed of.		End of This Month		
	Pend- ing desig- nation.	Sus- pend ed re- jected other- wise.	Pend- ing un- acted on by R. & R.	Rec'd in this month.	Trans- mitted to GLO this month.	Now pend- ing desig- nation.	Now sus- pend ed re- jected other- wise.	Pend- ing unact- ed on by R. & R.
Alabama								
Montgomery		18		26	27		17	
Arizona								
Phoenix	143	163		255	264	116	181	
Arkansas								
Harrison		23		51	53		27	
Little Rock		214		83	86		211	
California								
El Centro	15	44		41	38	19	43	
Eureka	51	1		6	7	50	1	
Independence	45	97		34	33	47	96	
Los Angeles	46	97		153	138	51	107	
Sacramento	64	55		71	64	62	64	
San Francisco	120	43		64	63	120	44	
Susanville	22	17		31	31	24	15	
Visalia	14	60		43	68	13	36	
Colorado								
Del Norte	32	8		8	11	34	3	
Denver	99	76		52	86	99	42	
Durango	28	15		34	31	26	20	
Glenwood Springs	252	364		197	120	261	432	
Lamar	35	12		43	39	35	16	
Leadville	8	23		10	10	8	23	
Montrose	86	89		99	71	91	112	
Pueblo	175	90		138	131	183	89	
Sterling	12	11		7	7	12	11	
Florida								
Gainesville		26	9	195	195		21	14
Idaho								
Blackfoot	56	136		56	110	56	82	
Boise	88	45		56	78	53	58	
Coeur d' Alene	1	38		13	18	1	33	
Hailey	43	71		41	49	38	68	
Lewiston	9	20		13	11	9	22	
Kansas								
Topeka	28	14		7	11	27	11	
Louisiana								
Baton Rouge		15		13	16		12	

Michigan						
Marquett		5		9	9	5
Minnesota						
Cass Lake		5		16	18	3
Crookston	8			19	18	9
Duluth		43		22	28	5
Mississippi						
Jackson		17		21	23	15
Montana						
Billings	21	16		8	7	22
Bozeman	57	58		23	28	60
Glasgow	100	31		56	41	103
Great Falls	30	33		27	33	33
Harve	55	32		44	37	59
Helena	118	95		45	39	125
Kalispell	2	4	1	11	14	2
Lewistown	140	12		42	37	122
Miles City	195	62		99	84	206
Missoula	11	4		17	14	11
Nebraska						
Alliance	22	1		8	8	
Lincoln	18	4		7	7	18
Nevada						
Carson City	35	114		49	64	33
Elko	25	29		25	21	26
New Mexico						
Clayton	74	34		44	59	54
Fort Sumner	32	56		59	80	33
Las Cruces	43	83	16	111	114	40
Roswell	97	75		153	218	58
Santa Fe	97	146		230	224	108
North Dakota						
Bismarck	28	24		16	32	16
Dickinson	16	5		10	18	10
Oklahoma						
Guthrie	41	14		39	34	42
Oregon						
Burns	22	14		17	25	24
La Grande	63	67		36	61	58
Lakeview	45	54		17	14	45
Portland		4		35	30	
Roseburg		23		76	79	
The Dalles	125	28		29	62	91
Vale	20	65		14	19	20
South Dakota						
Bellefourche	4	12		17	25	4
Pierre	62	27		29	26	66
Rapid City	35	32		46	54	28
Utah						
Salt Lake City	350	226		182	183	365
Vernal	17	26		75	75	19
Washington						
Seattle		4		6	5	
Spokane	28	51		23	33	21

Washington (Cont'd)

Vancouver		8		4	6	5	1
Walla Walla	14	10		7	12	15	4
Waterville	31	16		36	35	32	16
Yakima	12	8		12	20	9	3
Wisconsin							
Wausau				4	4		
Wyoming							
Buffalo	92	43		58	72	85	36
Cheyenne	113	109		127	129	120	100
Douglas	45	188		115	139	40	169
Evanston	39	105		39	46	39	98
Lander	67	30		21	26	43	49
Newcastle	87	67		58	68	90	54
Total,	4,008	4,109	26	4,139	4,423	3,867	3,977
							15

OBITUARY.

Frank S. Spofford:--Stricken in the apparent flush of health and strength, and in the prime of his busy and useful life, Frank S. Spofford, Assistant Supervisor of Surveys for District No. 7 (Idaho and Washington), died at St. Alphonsus Hospital at Boise, Idaho, at 11:25 p. m., March 12th, last, a few days after undergoing an operation for a ruptured appendix. He was laid to rest with impressive ceremonies Saturday afternoon, March 15th, in Elks Rest in the Morris Hill Cemetery in that city.

Born at Morrison, Illinois, August 23, 1866, Mr. Spofford received his early training in the schools of his native city, and his engineering education at the University of Illinois. After engaging in general engineering activities for several years, he entered the Government service in 1894 as an Examiner of Surveys in the General Land Office, and was assigned to duty in the Northwest, principally in the State of Idaho. He held this position until the inauguration by Congress of the Direct System of Surveys in 1910, when he was appointed an Assistant Supervisor of Surveys and placed in charge of the public land surveys of District No. 7, which included at first the State of Idaho, and later the States of Idaho and Washington. His untiring energy and excellent technical and administrative ability soon won for him and his organization an enviable reputation for efficiency of service, a reputation in which he took genuine satisfaction and to the upholding of which his life was devoted.

Frank Spofford will always live in the minds and hearts of those of us who knew and loved him. His strength of character, his sterling qualities, and his genial personality gave him man's full measure of devotion and respect from his associates and co-workers. They will ever cherish his memory and be better because of their contact with him.

Clarence E. Speiden:--It is with regret that announcement is made of the death of Clarence E. Speiden, which occurred March 16, 1924. He was born in Washington on May 5, 1885, and was educated in the public schools, including Business High School, in business colleges, and in Georgetown University. He was employed for a while in the office of the Judge Advocate General of the Navy and War Risk Bureau. He came to this office on July 1, 1919, and was assigned to the Division of Land Grants, where he did his best work on grants to the Northern Pacific Railway. He had a bright mind and a retentive memory, and was quick to learn the proper interpretation and administration of the legislation enacted by Congress to aid in the construction of transcontinental railroads. He was taken away just when his knowledge of the work of the office and the development of the sturdy traits of his character promised a most useful career in the service of the Government.

PRESIDENTIAL APPOINTMENTS.

Alfred Hogensen, of Boise, Idaho, appointed receiver of public moneys at Boise, Idaho, vice Frank B. Kinyon, term expired. Commission dated March 11, 1924.

J. Lindley Green, of Anchorage, Alaska, appointed register of the land office at Anchorage, Alaska, vice Frank A. Boyle, resigned. Commission dated March 18, 1924.

The offices of register and receiver at Spokane, Washington, were consolidated by executive order of March 21, 1924, under authority of the act of October 28, 1921 (42 Stat., 208). The sixty day notice required by the act was issued March 28, 1924, making consolidation effective May 27, 1924. Mr. Arthur Wellington Doland, the present register, has been nominated register, effective upon such consolidation.

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DESIGNATIONS AS ACTING REGISTER.

William R. Teagarden designated as acting register at Missoula, Montana; letter of designation dated March 15, 1924.

Mrs. Cora E. Salisbury designated as acting register at Spokane, Washington, after consolidation of the offices of register and receiver. Letter of designation dated March 26, 1924.

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RESIGNATION.

Mr. Eugene H. Johnson, of the Patent Division, resigned March 15, to enter the Consular Service of the United States at Stavanger, Norway.

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BIND YOUR BULLETINS.

Volume 7 of the Land Service Bulletin is now complete and members of the Land Service on the mailing list should at once transmit to the Chief Clerk of the General Land Office the twelve numbers that make up the volume, so that it may be properly indexed and bound, after which it will be returned to the sender.

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TELL THE BULLETIN.

To All Local Offices and Field Service Employees:

If anything occurs, in the public land service, which you think is of administrative value, tell us about it. Address all communications to the Commissioner of the General Land Office, "Land Service Bulletin." All information should be received not later than the 24th of each month for use in the current number.

LAND SERVICE BULLETIN DEPARTMENT OF THE INTERIOR GENERAL LAND OFFICE

By direction of the Secretary of the Interior the matter contained herein is published as administrative information and is required for the proper transaction of public business.

Vol. 8.

May 1, 1924.

No. 3.

THE GENERAL LAND OFFICE MAP OF THE UNITED STATES.

The survey of the public lands imposed upon the Commissioner of the General Land Office, as an initial prerequisite to their sale and disposition is recorded in graphic form in the map of the United States, that forms a part of our regular annual output. In daily use throughout the public land service, in fact an absolute necessity, its existence is taken for granted, without a thought for the scientific accuracy of the cadastral engineer or the skill of the draftsman, either of the present or in the past that made it possible.

In addition to the basic features of the map the annual edition shows the progress of the public land surveys, establishment of new national parks and reservations, changes in the boundaries of reservations, county seat locations, new lines of railroad, as well as towns and cities that have attained substantial importance during the year. This annual map is in fact an exhibit in concrete form of our national growth and development as thus recorded from year to year, more convincing in its visual wealth of detail than any table of statistics.

The story of the acquisition of our public domain has not been overlooked in the compilation of this map, for at a glance it may be seen from what source it is derived, whether through our colonial possessions or later accessions by treaty or purchase. The map then not only serves the highest need in its geographic detail but is at the same time an historical chart of our territorial expansion.

The increasing demand for the map from official sources by colleges, schools, and the public generally is a testimonial to the place it holds in the scientific and educational field aside from the place it fills in the activities of the public land service.

SURVEY NOTES.

Surveyors in the Field.

The Supervisor of Surveys reported under date of April 15, 1924, that there were 20 surveyors and engineers actively engaged with their line parties in the field. These parties were distributed among the several surveying districts as follows:

Arizona,	5
California,	5
New Mexico,	3
Utah,	2
Eastern District,	5
Total,	20

Filing of Plats.

A growing tendency is noted among some of the registers and receivers to omit from their public notices of the filing of plats of accepted surveys a definite date for the filing of the plats. This is especially so in those cases where the lands are not opened generally to entry or disposal. The importance of fixing and announcing in the public notice the date upon which plats of official surveys are filed as required by 4 L. D., 202, will be realized when it is recalled that various rights such as those created by the act of August 18, 1894, date from the official filing of the plat. Furthermore, the rights of the State under the said act of August 18, 1894, and of ex-service men under the provisions of Circular No. 822 are subject to prior valid and existing claims. For such prior valid and existing claims the lands included therein are subject to entry upon the official filing of the plats and entry therefor need not be deferred until the expiration of the preferred periods in question.

Authorization of Public Land Surveys, Southeastern Alaska.

Based on the request of the Forest Service, the extension of the rectangular system of the public land surveys over the valley of the Stikine River, in southeastern Alaska, from its mouth to the International Boundary Line was authorized on April 17, 1924.

No attempt has so far been made to bring southeastern Alaska under the rectangular system as the hydrographic and topographic conditions of this section of the country do not yield readily to such a form of surveys. The nearest public land surveys to this particular locality are in T. 40 S., R. 57 E., Copper River Base and Meridian, and air line distance of over 175 miles, but from a preliminary consideration of the problem the Supervisor of Surveys has concluded that the valley can not only be surveyed under the rectangular system but that an initial point, referable to the Copper River Base and Meridian, can be determined geodetically from one of the triangulation stations of the Coast and Geodetic Survey, in the vicinity.

Field work will probably be commenced about the first of May, and cooperation will be had with the District Forester in the matter of classifying the lands which are all within the Tongass National Forest.

Civil Service Examination for Transitmen.

The United States Civil Service Commission has just announced an open competitive examination for Transitmen, Surveying Service, General Land Office, to be held on June 4, 1924. The entrance salary for these positions will range from \$100 to \$150 per month and subsistence when engaged in field work. Appointments are, however, usually made at the lower salary. Promotions are made after satisfactory service and in the discrimination of the Department. In the southern

States the employment is usually continuous while in the northern States furloughs may be made when climatic conditions require a stoppage of work. Appointees whose services are satisfactory may receive the temporary increase granted by Congress of \$20 a month pending reclassification.

The examination is open to both men and women, but the appointing officer has the legal right to specify the sex desired in requesting certification of eligibles and for the positions in the General Land Office male eligibles are desired.

The subjects in which the competitors will be examined with their relative weights are as follows:

<u>Subjects.</u>	<u>Weights.</u>
1. Mathematics (algebra, geometry, and trigonometry)	15
2. Theory and practice of plane, topographic and elementary geodetic surveying	15
3. Public-land surveying (earned rating of at least 60 per cent required)	30
4. Adjustment and use of instruments	15
5. Training and experience	25
Total	100

Applicants must be between 20 and 45 years of age, in good health, and physically fit to perform the duties of the position. They must also have a training and experience specified in one of the following groups:

- (a) One season as transitman on public-land surveys or in the re-establishment of old lines and subdivisions.
- (b) Two seasons in a subordinate position in either class of work specified under (a).
- (c) Three years of general surveying experience, the successful completion of each year of a civil engineering course in a college or university being accepted as equivalent to not more than nine months of such experience.

Formal announcements of the examination with additional available information may be had upon request of the United States Civil Service Commission at Washington, D. C.

Red River:

On Friday, April 25, 1924, the Boundary Commissioners, Arthur D. Kidder and Arthur A. Stiles, appointed by the United States Supreme Court in the case of the State of Oklahoma v. the State of Texas, United States Intervener, to run, locate, and mark upon the ground the position of the boundary line between the States of Texas and Oklahoma where it follows the Red River, as decreed by the court on March 12, 1923, and the position of the medial line of the river as ordered by the court on June 4, 1923 (262 U. S., 505), submitted their joint reports with accompanying maps in both cases, whereupon the court ordered substantially as follows:

"The Commissioners heretofore designated to run, locate, and mark upon the ground portions of the boundary line between the States of Texas and Oklahoma, where it follows the course of the Red River, having this day presented a report, with accompanying maps, showing that they have run, located, and marked upon the

ground the portion of the boundary along the Big Bend area, and also a report, with accompanying map, showing that they have surveyed, run upon the ground and platted the medial line between such State boundary and the northerly bank of the river for a length of three miles at and in the vicinity of the river bed oil wells.

"And it further appearing from such reports that the said Commissioners have transmitted copies of such reports, with the accompanying maps, by registered mail to the Attorney General of the United States, the Attorney General of the State of Texas, and the Attorney General of the State of Oklahoma, and have lodged with the clerk fifty additional copies of such reports and maps for the use of such private interveners as may apply for them;

"It is ordered that the said reports, with the accompanying maps, be received and filed by the clerk.

"And it is further ordered that all objections or exceptions to such reports or either of them, if there be any such objections or exceptions, shall be presented to the court or filed with the clerk within a period of four weeks from this date; and the periods heretofore fixed for presenting or filing such objections or exceptions are limited and modified accordingly."

It is understood that the Commissioners will commence work at an early date upon the next unit of the boundary survey.

Assistant Supervisors of Surveys, Alaska and Idaho.

The Surveying Service and the Field Service in Alaska have been consolidated under one head and Mr. George A. Parks (formerly Chief of Field Division) has been appointed Assistant Supervisor of Surveys and Public Lands, and given local supervision over both services in that district. Mr. Parks is especially qualified to discharge the combined technical and administrative duties of this new office as he is by profession an engineer, having graduated from the Colorado School of Mines, and for thirteen years he has been in the Field Service, the past five years of which he has served as Chief of Field Division.

The transfer of these two duties to the one office is a step in the direction of carrying out the recommendation contained in the Commissioner's annual report for the fiscal year ending June 30, 1923, that an officer to be styled the Superintendent of Public Lands for Alaska be created by combining the duties now discharged by the Register and Receiver, Surveyor General, Assistant Supervisor of Surveys, and Chief of Field Division. The immediate cause for the change was, however, the necessity of filling the vacancy created by the death of Mr. F. S. Spofford, Assistant Supervisor of Surveys for District No. 7, which includes the States of Idaho and Washington. Mr. J. P. Walker, who since 1914 has so efficiently discharged the duties of Assistant Supervisor of Surveys for Alaska, has been transferred to supervise the work of District No. 7. Mr. Parks should be addressed as Assistant Supervisor of Surveys and Public Lands, Anchorage, Alaska, and as soon as Mr. Walker's affairs in Alaska can be taken over his address will be Assistant Supervisor of Surveys, Boise, Idaho.

FIELD SERVICE NOTES.

Special Agents W. M. Gilcrest and A. W. Thompson, who have been "snow birding" in the Santa Fe Division the past winter, have returned to the Denver Division.

Special Agent Earl W. Chafee has been transferred from the Santa Fe to the Cheyenne Division.

Stephen W. Norton, Chief of Section in Division "FS", who has been on special detail in the Santa Fe Division since early January, has had his detail extended and will probably not return to Washington until after June 1.

Marlin G. Livermore, for some time Chief Clerk of the Santa Fe Division, has been appointed Special Agent and Assistant Chief of Field Division at Santa Fe.

George N. Crockett, an old employee of the General Land Office connected with Division "F", has been transferred to the Field Service as a Special Agent, and assigned to the Santa Fe Division.

Special Agent C. F. Follen, who has been putting in the winter months in the Southern Division, engaged the greater portion of the time on Louisiana cases, has been directed to return to his Minnesota-Michigan-Wisconsin territory. He will arrive in Duluth early in May.

Timber Cruiser Nelson O. Brigham, of the Helena Division, has been assigned to the Minnesota-Michigan-Wisconsin field for the coming season. He will reach Duluth May 2.

Chiefs of Field Division are warned to be extremely careful in all their acts preliminary to the purchase of automobiles. The Comptroller General is construing the law down--or up--to the nth degree. So it behooves chiefs not to overlook anything, or take anything for granted. In case of doubt do more than you may think necessary, rather than overlook a point, no matter how finely drawn or distant. See circular letter of the Chief of Field Service of April 21, 1924, sent to each chief.

Chief of Field Division Favorite, at San Francisco, is trying to post the natives of Nevada and California as to their rights and privileges concerning the free use of timber on the public domain, showing them how easy it is to cut such timber legitimately and, incidentally, how very easy it is to get in bad with Uncle Sam through failure to comply with the very liberal and reasonable laws and regulations. He has sent to the public press in his territory, and to live stock organizations, letters briefly setting forth requirements and suggesting every one desiring additional information write him. Good idea. A little more of this kind of missionary work along other lines besides timber matters would do no harm. Let the public know that the Field Service is much more desirous of helping than hampering.

Chief of Field Division Parks, of Anchorage, Alaska, has recently had added to his duties those of Assistant Supervisor of Surveys for Alaska, with the title of Assistant Supervisor of Surveys and Public Lands.

CLASSIFICATION OF PUBLIC LANDS.

More than 150,000 acres of public land in Arizona, Colorado, Idaho, Kansas, Montana, South Dakota, and Utah were designated as nonirrigable under the enlarged-homestead acts by the Geological Survey of the Department of the Interior during the month of March, 1924, according to a report made public April 18, 1924.

These public lands, the report continues, through the designation were made subject to entry as homesteads of 320 acres or less. Over 250,000 acres of the public domain in Arizona, California, Colorado, and Montana were also classified under the stock-raising homestead law and designated for entry in tracts of 640 acres or less. Much of the acreage involved in these designations is included in original entries or in applications under the enlarged and stock-raising homestead acts which confer a preference right.

About 100,000 acres of land in California were withdrawn as public water reserves, and the area of land so withdrawn in Utah was increased 35 acres by reason of the interpretation of the withdrawal in terms of new survey. More than 800,000 acres in Utah and nearly 100 acres in California and Washington previously included in coal withdrawal were restored to entry. About 300 acres of land in Montana were classified as nonmineral.

Nearly 6,000 acres in California, Colorado, Washington, and Wyoming were classified as power-site lands and a little more than 3,000 acres in Wyoming previously included in power-site withdrawal and not valuable for power were restored

to entry. The area of land withdrawn as valuable for power was increased nearly 2,000 acres in Colorado and decreased nearly 2,000 acres in Washington by reason of the interpretation of withdrawals in terms of new survey.

During March the Geological Survey reported upon the structural relations of lands embraced in 234 applications for prospecting permits under the oil section of the leasing act of February 25, 1920, thus bringing the number of such reports rendered since the passage of the act to 22,423. Over 900 such applications were pending in the Survey March 31, 1924. During the month reports were rendered on 19 applications for coal-prospecting permits and 20 applications for coal leases, making a total of 1,323 applications for coal permits and 529 applications for coal leases reported on since the passage of the act.

WASTE LAND IN THE MOST CLOSELY POPULATED COUNTRY IN EUROPE.

The General Land Office is in receipt of a report from the American Consulate at Antwerp, Belgium, which contains some very interesting facts relative to waste lands in that country, taken from a study recently made of conditions existing in Belgium. While the relationship between the population of this country and the area of its cultivable lands does not present the same problems that are found in the older nations, yet it is not amiss for our people to be mindful of the obligation to the country at large that goes with the ownership of productive lands. What follows is in substance taken from the consular report.

The areas herein given are in hectares, one hectare being equivalent to 2.471 acres. An official source recently gave Belgium still an uncultivated land area of 80,000 hectares, or about 300,000 acres, of which 50,000 hectares are stated to be the property of private individuals and 30,000 hectares the property of the State.

It is somewhat startling to discover that there exists in the most densely populated country of Europe such an important land surface uncultivated, but the condition may be more readily understood if it is realized, that the uncultivated land described is a sum total of a great number of small tracts, privately owned or government owned, a condition which finds a parallel in almost every country, but the existence of which is the more surprising in Belgium, where the economy of land is a tradition.

In 1846, according to this same authority, Belgium had 324,215 hectares of uncultivated land of this kind; in 1866, 262,477 hectares; in 1880, 231,964 hectares; in 1895, 169,329 hectares; in 1910, 108,000 hectares. However, no effort had been made by the Belgium government to reduce this unfruitful area prior to the year 1921, when the Ministry of Agriculture took steps to encourage private owners to extend cultivation by the offer of small subsidies. The results thus far obtained have been highly satisfactory, and it is estimated that 4,200 hectares have been lopped off the total of privately administered land and put under cultivation since the Ministry of Agriculture took this active interest in the matter.

LAND OFFICE BUSINESS AT GLENWOOD SPRINGS.

From the Avalanche Echo of Glenwood Springs it would seem that the oil and gas activities are keeping the district land office closely occupied, if not a little more; we quote:

"That the Glenwood Springs United States land office is doing more business than any other office in the nation is the belief of those familiar with the great amount of filing that is going on there at this time, and there is a prospect that the business will continue for several months.

"One hundred and twenty-seven oil and gas applications were filed in the local office last week and they are still going strong. For many moons the entire force have been swamped by filings, and this week an additional clerk was put on, Miss Lena Alexander from Cheyenne, Wyoming, land office.

"Even with the added clerk the office work is too heavy for comfortable handling, and if the rush continues, another clerk will become a necessity."

DEVELOPMENT OF THE WEST.

From the Register, Lewiston.

William Leasure, who homesteaded land in Latah County, Idaho (Lewiston land district), in 1874, died recently in Moscow, a town in Latah County a short distance from the old homestead. When the youthful homesteader made his filing Spokane was a cross-roads, Yakima was a stock ranch, and Walla Walla was the chief trading point in the State of Washington. Lewiston was the only town in northern Idaho, and the total population of Washington, Idaho, Oregon, and Montana was about 175,000, while today the combined population of the four States is 3,500,000. There were then no railroads in the Pacific Northwest, and the few settlers had practically no outlet for their products, and were living on hope and courage. Fifty years is not a very long span, but fifty years in this wonderful region have brought more of progress and achievement than a thousand years have brought to the older lands of Europe and the ancient lands of Asia.

MOFFAT TUNNEL THROUGH THE CONTINENTAL DIVIDE.

Tentative approval was given by Secretary of the Interior Work April 11, to the granting of a right of way over public lands, for the construction of a tunnel through the Continental Divide between Grand and Gilpin counties, Colorado.

The application was filed by the Moffat Tunnel Commission, the managing and controlling board of the Moffat Tunnel Improvement District. The board plans to build a tunnel approximately 9,200 feet above the sea level, the eastern portal to be located at the most practical site on the eastern slope of the Continental Divide and near the headwaters of the South Boulder Creek, with the western portal to be located at the most practical point on the western slope near the headwaters of the Frazier River.

The tunnel and its approaches will be constructed of such size • that it may be used for standard gauge railroads, for the transmission of power, for telephone and telegraph lines, for the transportation of water, automobiles, and other vehicles. In granting his tentative approval of the application, the Secretary of the Interior said:

"The situation presented in this case is unusual. The backbone of the Rocky Mountain system, or the so-called Continental Divide, forms a barrier between eastern and western Colorado, which, at certain seasons of the year, is nearly, if not quite, impassable, and certainly renders the operation of a railroad or railroad lines at or near this point infeasible and unprofitable. It also renders difficult, if not impossible, the maintenance and operation over its high summit of power transmission lines and telegraph and telephone lines. It renders absolutely impossible, save by a tunnel as proposed, the transmission of water through a canal or conduit from one side of the Divide to the other."

The Moffat Tunnel Improvement District was created by an act of the State legislature of Colorado in 1922.

The construction of the tunnel will open up for development of the rich timber, agricultural, grazing and mineral resources of a large territory in north-west Colorado, southwest Wyoming, and northeast Utah now without adequate transportation facilities.

RECENT DECISIONS OF THE COURTS AND THE DEPARTMENT.

Indian Allotment--Timbered Lands.

The Supreme Court of the United States April 7, 1924, in the case of United States v. Tommy Payne, rendered a decision involving the right of an Indian to an allotment for lands of a mixed character, some of which were covered with timber. The court said:

"The sole question we are called upon to decide is whether the land, being timbered, is to be excluded from the operation of the Allotment Act which speaks only of agricultural and grazing lands. Both courts below determined the question in the negative, 284 Fed., 827, and we agree with them. The treaty makes no restriction in respect of the character of the land to be "assigned;" and while the Allotment Act, being later, must control in case of conflict, it should be harmonized with the letter and spirit of the treaty so far as that reasonably can be done, since an intention to alter, and pro tanto, abrogate, the treaty, is not to be lightly attributed to Congress. These Indians yielded whatever claims they may have had to a valuable and extensive area in exchange for a relatively small reservation, relying upon what they undoubtedly understood to be an assurance on the part of the general government that they would be given individual and permanent homes therein.

* * * * *

"It is common knowledge that vast bodies of land, originally covered with timber, in some of the public land States, including eastern Washington, have been acquired by private entry, cleared and brought under cultivation. The view that such lands were open to entry for agricultural purposes seems to have been generally recognized and acted upon (see Johnson v. Bridal Veil Lumber Co., 24 Oregon 182, 184-186); and, so far as we are advised, has never been questioned by the Land Department of the United States. We are, therefore, constrained to reject the rigidly literal interpretation of the Allotment Act for which the Government here contends. It is not an unreasonable view of the requirement that an allotment shall not 'exceed eighty acres of agricultural or one hundred and sixty acres of grazing land' to say that it was meant not to preclude an allotment of timbered lands, capable of being cleared and cultivated, but simply to differentiate, in the matter of area, between lands which may be adapted to agricultural uses and lands valuable only for grazing purposes."

Sale of Standing Timber.

Standing timber, separately conveyed by the owner of the fee constitutes realty thereafter; and where a landowner conveys growing timber, with a right of way over the land to remove it without limitation, a fee simple estate in the timber passes to the grantee, and is not defeated by his failure to remove the timber. (Supreme Court of Montana.) Hart et al. v. Anaconda Mining Company (222 Pacific Reporter, 419).

Settlement Claim--Railroad Grant.

In a suit by a settler on public land, claiming as successor to an original homesteader against a railroad which had selected the land under the act of July 1, 1898, the railroad can not assert that plaintiff's title is defective, the right to do so being available to none except the United States.

Railroad Selection--Act of July 1, 1898--Settlement Claim.

Where a qualified entryman built and furnished a cabin on public land, cleared and planted the land and posted notices of claim, even though he did not stay on the land continuously, the land was segregated from entry and a railroad in selecting land under the act of July 1, 1898 which provided that land selected must be free from valid adverse claim, or not occupied by settlers, could not dispute or ignore such rights, though the entryman defaulted; unless there was "abandonment" which required a showing of an intention to abandon, which had ripened into an abandonment at the time the railroad filed its scrip.

Settlement Claim--Residence of Wife.

The refusal of the wife to move on public land does not defeat a qualified entryman's homestead right. *Gallup v. Northern Pacific Railway Company et al.* (295 Federal Reporter, 326.)

Water Rights--Appropriation.

The quantity of water which may be lawfully claimed in a prior appropriation is limited to that quantity within the amount claimed which the appropriator has needed, and which in a reasonable time he has actually and economically applied to a beneficial use. (Supreme Court of Montana.) *Allen v. Petrick et al.* (222 Pacific Reporter, 451.)

Navigable Waters--Title of State.

The shores and beds of navigable waters were not granted by the Constitution to the United States, but reserved to the States, and, whether waters are navigable or not, title to the soil under the water is determined by the law of the State, subject only to the paramount right of the United States to regulate navigation.

Navigability Determined by Local Statute.

In the determination of the rights of riparian owners to the land under the water upon which their lands border, what shall be deemed a navigable water must be determined by the law of the State in which the riparian lands lie. *United States v. Holt State Bank, et al.* (294 Federal Reporter, p. 161.)

Irrigation--Water Rights.

If the water table of underground seepage waters is lowered by the operation of a drainage system constructed by a drainage district one who has been using that water for irrigation can not recover damages from the drainage district because of the lowering of the water table.

Irrigation--Additional Water Rights.

Where a land owner within an irrigation district has an old water right, and the district provides an additional right for him by virtue of a contract with the United States Government, he can not be compelled to use the old water right on part of his land and the additional right on another part, but he may use the combined water right on any or all of his land within the district. (Supreme Court of Idaho.) *Nampa and Meridian Irrigation District v. Petrie et al.* (223 Pacific Reporter, 531.)

Mining Claim--Apex of Discovery Vein.

Where the apex of a discovery vein located on a mining claim of owners extended across one side of the claim and was not parallel to that line, the owners were entitled to claim extralateral rights.

Mining Claim--Extralateral Right.

That a vein, the apex of which was located on owner's mining claim crossed the side line of their claim, the presumption being that the vein continued regularly along its course, did not prevent the exercise of extralateral rights, a locator being granted the right of following the veins, the apex of which lies inside his surface line.

Mining Claims--Intersecting Veins.

Where veins or lodes unite on their dip, the older location takes all the ore at the point of intersection and the whole vein thereafter. (Supreme Court of Colorado.) Rico-Argentine Mining Company v. Rico Consolidated Mining Company (223 Pacific Reporter, 31).

Irrigation District--Constitutionality of Statute.

The Arizona Statute of 1923, providing for the creation of assessment district to supply electrical power for irrigation purposes, does not violate the 14th amendment to the Federal Constitution as ample provision for notice and hearing to the users is provided to afford them an opportunity to show that they will not be benefited by the inclusion of their lands within the district. Brown v. Electric District No. 2. (223 Pacific Reporter, 1068.)

Carey Act--Contract with Construction Company.

When a Carey act construction company contracts to deliver 1/80 of a second foot of irrigation water per acre to a settler and contract holder, and it develops that it can not deliver him that amount of water out of the appropriation made by it at the time the contract is made, it can be compelled to deliver him the required amount of water out of a later appropriation, if the same is not required to satisfy prior rights of other water users. Vinyard et al. v. North Side Canal Co., Ltd. (233 Pacific Reporter, 1072.)

Water Rights--Prescriptive Acquisition.

Prescriptive rights to water can not be acquired until owner has been deprived of its use in a substantial manner and to a degree constituting notice to him that his rights are invaded.

Water Rights--Appropriate.

A prior appropriator of water becomes the owner thereof subject to the condition that he will apply it to the purpose intended regardless of whether he is the owner of lands, riparian or otherwise. (Supreme Court of Washington.) State v. Anderson et al. (224 Pacific Reporter, 29.)

Railroad Grant Selection--Coal Deposits.

Where a grant of lands to aid in the construction of a railroad provides that the grant should consist of public lands not mineral, with a proviso that the word "mineral" should not include coal and iron, it is held that the grantee can not, under the act of June 22, 1874, permitting the selection of lieu lands not mineral, select lands known to contain coal deposits, especially in view of the act of February 25, 1920, providing that coal lands of the United States can only be disposed of by lease.

Railroad Grant, Selection Under Act of June 22, 1874.

What a railroad may select in lieu of land granted to it, but relinquished under the act of June 22, 1874, depends on the state of the land selected at the moment of choice, and land withdrawn from sale before the date of selection can not be selected. *Santa Fe Pacific Railroad Co. v. Work.* (295 Federal Reporter, 982.)

Private Land Claim--Complete Title.

The ruling of the United States Land Department that a French grant is a complete title which need not be confirmed, is not conclusive, and does not preclude a legal investigation and judicial decision as between the parties. Its only effect is an announcement that the United States Government is not asserting any right or claim to the property. (*Supreme Court of Louisiana.*) *Pfister v. St. Bernard Cypress Co.* (99 Southern Reporter, 454.)

Coal Lands--Preference Right--Notice--Improvements--Possession--Statutes.

Section 2349, Revised Statutes, does not require that a coal declaratory statement or notice setting up a preference-right claim must be filed within sixty days from the date that possession was first declared, but contemplates that the sixty-day period begins to run at the time of the opening of a mine of coal and the commencement of improvements thereon, accompanied by actual possession of the land.

Coal Lands--Preference Right--Notice--Adverse Claim--Section 2349, Revised Statutes.

A coal declaratory statement which is not filed within sixty days from the accrual of a preference right as required by section 2349, Revised Statutes, but which is presented within the ensuing year, affords the declarant, in the absence of an intervening adverse right asserted at the time of the filing or other disposition of the land, the same security for the period specified in the statute as if it had been filed in time.

Coal Lands--Application--Purchase--Notice--Records--Payment--Homestead Entry.

The acts of one in taking and maintaining possession of a tract of public land and opening a mine of coal thereon, coupled with acts of the local officers in accepting his application to purchase, permitting publication and proof, and requiring payment of the purchase price, constitutes an appropriation of the land, duly recognized and noted of record, sufficient to preclude the subsequent allowance of a homestead entry.

Homestead Entry--Citizenship--Coal Lands--Possession--Adverse Claim--Surface Rights.

The erroneous allowance of a homestead entry, subsequently canceled because of want of citizenship qualification of the entryman, does not affect the surface rights of an applicant to purchase the land under the coal-land laws who had, prior to the cancellation, appropriated the land by taking and maintaining possession thereof and opening a mine of coal thereon.

Departmental Decisions Cited and Applied.

Cases of *Charles S. Morrison* (36 L. D., 319), *McKenna v. Seymour* (47 L. D., 395), and *J. T. Williams and John Blathran* (48 L. D., 176), cited and applied.
 Emmanuel Frageskakis et al.;
 decided March 5, 1924, by
 First Assistant Secretary Finney.

Land Department--Courts--Public Lands--Patent--Jurisdiction--Homestead Entry.

Prior to the issuance of patent, title to public lands under any of the homestead laws remains in the United States to be administered by the Land Department, and until then State courts are without jurisdiction to vest or divest title under any of those laws.

Departmental Decision Cited and Applied.

Case of Julia E. Ward et al. (41 L. D., 634), cited and applied.

Watson v. Moore, Assignee of Watson;
decided March 20, 1924, by
Assistant Secretary Goodwin.

Trade and Manufacturing Site--Alaska.

Under the principle de minimis non curat lex the right to acquire a trade and manufacturing site in Alaska under section 10 of the act of May 14, 1898, which specifies that one claim only may be purchased by any one person, association, or corporation, will not be denied to a corporation merely because a minority interest of its stock is owned by stockholders who are also holders of minority stock in another corporation that had acquired title to public lands under that act.

Trade and Manufacturing Site--Alaska--Land Department.

A regulation issued pursuant to section 10 of the act of May 14, 1898, requiring, in connection with an application for a trade and manufacturing site in Alaska by an association or corporation, a showing that each member thereof has not entered or acquired title to any land under the act, does not exceed the requirements of the act, and is valid.

Departmental Decisions Cited and Applied.

Cases of Jacob Switzer Company (33 L. D., 383), Silsbee Town Company (34 L. D., 430), J. H. McKnight Company (34 L. D., 443), and John C. Barber (48 L. D., 165), cited and applied.

Citizens Light-Power and Water Co.;
decided March 28, 1924, by
Assistant Secretary Goodwin.

Oil and Gas Lands--Prospecting Permit--Application.

An application for an oil and gas prospecting permit under section 13 of the act of February 25, 1920, is, in effect, a mere request that a license be granted and confers upon the applicant no interest in the lands or the mineral deposits therein.

Oil and Gas Lands--Prospecting Permit--Application.

Neither the leasing act of February 25, 1920, nor the regulations issued thereunder, give exclusive segregative effect to an application for a prospecting permit and, until the Department has satisfied itself as to the qualifications of the first applicant and issued a permit to him, applications may be filed by others and, if the first application be rejected, their claims will be considered in the order initiated until one is found qualified to receive a permit.

Oil and Gas Lands--Prospecting Permit--Land Department--Practice--Preference Right.

The Land Department deals only with the real parties in interest with reference to the issuance of oil and gas prospecting permits, and equities entitling one to a permit must be asserted and exercised by the party who is predicated a preference right thereon.

Departmental Decisions Cited and Applied.

Cases of Martin Judge (49 L. D., 171), and John T. Kotkin (49 L. D., 344), cited and approved.

Enlow v. Shaw et al;
decided March 29, 1924, by
First Assistant Secretary Finney.

Oil and Gas Lands--Prospecting Permit--Contiguity--Compactness--Words and Phrases.

A departmental regulation limiting the maximum area over which prospecting of incontiguous tracts of public lands for oil and gas may be conducted under one permit to a township; that is, an area 6 miles square is a liberal interpretation of what constitutes an area in a "reasonably compact form" within the meaning of section 13 of the leasing act, and will not be modified except in special cases.

Oil and Gas Lands--Prospecting Permit.

Nothing in the act of February 25, 1920, either directs or suggests that an applicant for an oil and gas prospecting permit shall be entitled in every instance to be awarded a permit for the maximum area authorized by the act.

Departmental Decision Cited and Applied.

Case of Fred Mathews (48 L. D., 239), cited and applied.

Helen F. Curns;

decided April 1, 1924, by

First Assistant Secretary Finney.

Accretion--Riparian Ownership--Survey.

In the absence of a statute to the contrary, lands formed by accretion belong to the adjoining riparian or shore owner.

Accretion--Riparian Ownership--Public Land--Survey--Patent.

Where, prior to divestiture of the Government's title to public land abutting on a meander line, an accretion had formed and the original survey had ceased to correctly represent the approximate shore line, title to the added area does not pass under a patent for the surveyed upland.

Departmental Instructions Applied.

Instructions of April 17, 1918 (46 L. D., 461), applied.

R. M. Stricker et al.;

decided April 2, 1924, by

First Assistant Secretary Finney.

Practice--Land Department--Hearing--Forfeiture--Stock-Raising Homestead.

The Land Department will not declare a forfeiture of the rights of a claimant to public lands on technical grounds, and failure to adhere to a technical construction of the Rules of Practice will not deprive him of an opportunity to be heard unless it appears that he has no substantial claim to equitable consideration.

Departmental Decision Cited and Applied.

Case of Dawkins v. Hedin (44 L. D., 371), cited and applied.

Cassidy v. Hall (on rehearing);

decided April 5, 1924, by

First Assistant Secretary Finney.

Desert Land--Coal Land--Burden of Proof--Evidence--Confirmation--Act of January 27, 1922.

An application, based upon a canceled desert-land entry for 320 acres, to make an exchange of entry under the act of January 27, 1922, for public land classified as coal land, must be controlled by the act of June 22, 1910, which limits the area of classified coal land that may be acquired under the desert-land laws to 160 acres with reservation of the coal deposits, unless the applicant assumes the burden of proof and shows that the land is noncoal in character.

Desert Land--Act of January 27, 1922.

An exchange of entry under the act of January 27, 1922, for 160 acres, based upon a canceled desert-land entry for 320 acres, exhausts the right of the entryman to make a further exchange under the provisions of that act.

Conrad Land and Water Co.;
decided April 12, 1924, by
First Assistant Secretary Finney.

Repayment--Reclamation Homestead--Water Right--Application--Oil and Gas Lands--
Notice--Surface Rights--Withdrawal.

An applicant who has been granted a water right in connection with a reclamation homestead application for land within a petroleum reserve is entitled, upon withdrawal of the application rather than accept a surface patent, to repayment of the water charges where he had no knowledge of the petroleum withdrawal and the public notice pursuant to which he made payment failed to state that any of the land was within a reserve.

Departmental Decision Cited and Applied.

Case of Thomas A. Sheppard (46 L. D., 251), cited and applied.
Dorsey L. Rouse;
decided April 14, 1924, by
First Assistant Secretary Finney.

ARTHUR WALSH.

Decided March 12, 1924.

Coal Lands--Prospecting Permit--Amendment--Laches.

Rights acquired by the filing of a coal prospecting permit application, prior in time, which the local officers suspended for further showing on the part of the applicant, are not defeated by the filing of an application by another where the defect was afterwards cured by an amendatory application and the first applicant was not chargeable with laches.

Departmental Decision Cited and Applied.

Case of Harvey V. Craig (50 L. D., 202), cited and applied.
GOODWIN, Assistant Secretary.

STATUS OF THE NATIVES OF ALASKA WITH RESPECT TO THE TITLE TO CERTAIN TIDE LANDS
NEAR KETCHIKAN.

Opinion, March 12, 1924.

Alaska--Indian Lands--Occupancy--Status of Natives.

The status of the Indians and other "natives" of Alaska is similar to that of the American Indians within the territorial limits of the United States, and the extent of their interests in the public lands therein is merely that of use and occupancy, subject to such further grant of title as Congress from time to time may see fit to accord.

Alaska--Indian Lands--Reservation.

A reservation created by the Secretary of the Interior pursuant to section 10 of the act of May 14, 1898, setting apart a particular area of public land in Alaska for the benefit of the Indians or natives does not vest them with actual title.

Alaska--Indian Lands--Tide Lands--Occupancy--Reservation--Jurisdiction.

The tide or other lands in Alaska, occupied or reserved for the Indians or natives, can not be disposed of by them under existing law, but the power rests with Congress, with or without their consent, to provide for the ultimate disposal of these lands.

EDWARDS, Solicitor:

Approved:

F. M. GOODWIN,

Assistant Secretary.

MOFFAT TUNNEL COMMISSION.

Opinion, April 4, 1924.

Right of Way--Statutes.

The acts of Congress granting easements over the public lands are to be construed liberally and their spirit and intent effectuated, if possible, where the benefits to be derived therefrom are for the public interest.

Right of Way--Railroad Grant--Telephone Line.

Easements over the public lands may be granted under the various Federal Statutes appertaining thereto to a commission created and empowered by a State legislature for the purpose of acquiring a site and of constructing and maintaining a tunnel for the use of railroads, power, telegraph, and telephone lines, transportation of water, and as a highway for vehicles, notwithstanding that the actual operation of these utilities is to be conducted by others, where their maintenance is for the public interest.

Prior Departmental Decision Overruled.

Case of Minnesota and Ontario Bridge Company (30 L. D., 77), overruled.

WORK, Secretary:

EFFECT OF A TERRITORIAL STATUTE IMPOSING DUTIES UPON A FEDERAL OFFICER.

Opinion, April 8, 1924.

Officers--Alaska--Statutes.

A territorial legislature does not possess the power to impose in any manner duties on a Federal officer, and, if such be attempted, he can not properly perform them unless they come within the scope of his duties as fixed by the Federal statutes.

Officers--Secretary of the Interior--Alaska--Statutes.

In issuing instructions prescribing the duties of an officer of his department, pursuant to an act of Congress creating the office, the Secretary of the Interior may include duties fixed by a territorial legislature, but in doing so he can not go beyond the intent and purpose of the Federal statute or require the performance of duties not contemplated by it.

EDWARDS, Solicitor:

Approved:

E. C. FINNEY,

First Assistant Secretary.

OIL PROSPECTING PERMIT - - PREFERENCE RIGHT OF SETTLER.

The Commissioner
of the General Land Office.

April 8, 1924.

Dear Mr. Commissioner:

The Department has carefully considered the claim of Earl L. Hamilton to a preference right to a permit under section 20 of the leasing act of February 25,

1920 (41 Stat., 437), upon certain lands in the Hamilton Dome oil field, in Colorado, for which he holds a surface patent, in accordance with the provisions of the act of July 17, 1914 (38 Stat., 509).

You transmitted this case, without recommendation, in accordance with my letter of instructions dated May 9, 1923, your record number 1089993, that cases of this kind be submitted for departmental consideration. Those instructions are hereby modified to direct that adjudication of future cases of this character proceed in your office in accordance with the views hereinafter expressed, subject to the usual rights of the parties affected under the general Rules of Practice (48 L. D., 246).

The records show that Hamilton settled upon lots 4, 5, 6, 7, Sec. 28, lots 2, 3, 7, Sec. 33, T. 5 N., R. 91 W., 6th P. M., in May, 1915. The lands were then withdrawn for resurvey, and it was not until July, 1919, that said land became subject to entry under the homestead laws. Hamilton filed application to make entry of the land pursuant to the act of February 19, 1909 (35 Stat., 639), on September 15, 1919. Entry was allowed on October 29, 1919; and, on December 18, 1919, the entryman completed final proof, showing full compliance with the homestead laws during his period of settlement beginning in May, 1915. Final certificate issued on January 10, 1920; and, on May 24, 1920, patent was issued to the entryman, without reservation of any minerals.

Thereafter, the Commissioner discovered that this patent erroneously issued without a reservation of oil and gas deposits, as said lands were included in Petroleum Reserve No. 61, by executive order of October 25, 1918; and, on May 20, 1921, the patentee was called upon to surrender said patent, on penalty of suit to compel such action in the event of his refusal. Hamilton appealed; but, on September 23, 1921, the Department held, on the authority of the Yosemite Valley Case (14 Wall., 77), that the fact of his settlement and compliance with the requirements of the homestead law as to residence, cultivation, and improvements, prior to the creation of the petroleum reserve, did not bar Congress from imposing additional conditions with respect to entries of said land, nor prevent the Department from requiring him to consent to a mineral reservation. The Commissioner's decision was affirmed. In July and August, 1923, quitclaim deeds of the deposits of oil and gas in the lands, together with a transfer of the right to enter upon said lands to prospect for, mine and remove the reserved deposits, were executed by the patentee and his wife, and by a trustee and the beneficiary under a deed of trust executed by said patentee as security for a loan of \$500. These deeds were duly recorded and delivered to an agent of the Department sometime prior to September 8, 1923, on which date they were received by the Commissioner. On November 30, 1923, a new patent issued to Hamilton containing an expressed reservation of deposits of oil and gas to the United States, in accordance with the act of July 17, 1914, supra.

By letter dated December 6, 1923, the Commissioner directed the local officers to note upon their records the restoration of the reserved deposits to the ownership of the United States. There is nothing of record indicating when such notation was made.

On October 2, 1923, Hamilton filed an application for a permit to prospect for oil and gas upon the land involved, and claimed a preference right to such a permit pursuant to section 20 of the leasing act, over the following prior claimants:

Edward Morris Freeman, whose application for permit was filed on March 9, 1923, and to whom permit issued, on October 13, 1923, for lots 4, 5, 6, and 7, of Sec. 28.

Arthur M. Hagen, whose application, filed August 25, 1922, for lots 2, 3, and 7, of Sec. 33, is now suspended as to said lots.

S. F. Eshelman et al., who, on August 20, 1923, filed application for a permit to prospect upon lots 2, 3, and 7, Sec. 33, which application is still pending.

Tom Freeman, whose application for permit, filed October 1, 1923, conflicts in its entirety with Hamilton's application.

It is evident from the record that all of these applications, including that filed by Hamilton, were filed before the reserved deposits had been restored upon the records of the local office, as directed by the Commissioner on December 6, 1923. Indeed at the time Edward Morris Freeman and Arthur M. Hagen filed their applications, title to the lands, including the mineral deposits, rested in Hamilton.

The well-established rule of administration stated in the case of the California and Oregon Land Company v. Hulen and Hunnicutt (46 L. D., 55), and extended to claims under the leasing act in the case of Martin Judge (49 L. D., 171), is applicable to the facts in this case. The rule as stated is that -

"that orderly administration of the land laws forbids any departure by the Department from the salutary rule that land segregated from the public domain, whether by patent, reservation, entry, selection, or otherwise, is not subject to settlement or any other form of appropriation until its restoration to the public domain is noted upon the records of the local land office."

It now becomes necessary to determine whether Hamilton is entitled to a preference right to a permit. If he is entitled to such preference, his application may be allowed to stand; as this privileged status removes, as to his claim, the reason for the rule above stated, namely, that all persons may have an equal opportunity to present claims for restored lands. Future applications for permit for the lands can not be recognized; as the land is now within the known geologic structure of the Hamilton Dome oil field, as defined by the Director of the Geological Survey on February 19, 1924, as the result of a discovery of oil made on January 15, 1924.

It clearly appears that Hamilton had, prior to the inclusion of the land within a petroleum reserve, made a bona fide settlement, and had at that time done everything he could do toward initiating an entry under the homestead laws. His settlement gave him a right to make entry whenever the lands became subject to that form of appropriation, which was superior to that of all other claimants; and the only person who could make an adverse entry was another settler, and such settler was not entitled to make entry until Hamilton had failed to exercise his right of entry during the period of preference prescribed by the act of May 14, 1880 (21 Stat., 140). Alfred O. Lende (49 L. D., 305). Said act specifically provides that when entry is allowed it shall relate back to the time of settlement.

From the foregoing, it is clear that, in practical effect, a settlement is the equivalent of an application to enter lands under the homestead laws. Each has an exclusive, segregative effect, as against other claimants, although a settlement may be defeated by an act of settlement by another, under special circumstances. In the case of Louise E. Johnson (48 L. D., 349), the Department held that an entryman who made application to enter lands prior to their withdrawal as valuable for oil and gas was entitled to a preference right to a permit under section 20 of the leasing act, although the entry was not allowed until after such withdrawal. This case was decided upon the well-settled rule that an entry, when allowed, is to be regarded as relating back to the time of its inception, which rule was recently applied by the Supreme Court in the case of Wyoming et al. v. United States (255 U. S., 489). In that case the court pointed out that any other rule would penalize a claimant of public lands for administrative delay in matters over which he had no control.

There remains the question whether a settler is entitled, equally with a homestead applicant, to a preference under section 20 of the leasing act. That section reads, in parts material hereto, as follows:

In the case of lands bona fide entered as agricultural and not withdrawn or classified as mineral at the time of entry, but not including lands claimed under any railroad grant, the entryman or patentee, or assigns, where assignment was made prior to January 1, 1918, if the entry has been patented with the mineral right reserved, shall be entitled to a preference right to a permit and to a lease, as herein provided, in case of discovery.

The purpose of this section clearly was to recognize the equities of entrymen under the nonmineral land laws, who went upon the public domain in good faith at a time when said lands were not withdrawn or classified as valuable for minerals and expended their time and money in compliance with the nonmineral land laws, and who believed, or had a right to believe from the conditions then existing, that they would acquire an unrestricted patent, but who were thereafter compelled to take a limited patent because of a withdrawal, classification, or report that the lands contained deposits of oil or gas. Charles R. Haupt (47 L. D., 588), Johnson v. Patten (49 L. D., 613).

It will readily be seen that the equities of a settler, under these conditions, are much stronger and more within the scope of the purpose of section 20 of the leasing act than are the rights of a mere homestead applicant. A settler, in order to obtain any rights, must enter the land and expend time and money thereon, whereas a mere applicant incurs no duty to enter the land or to make improvements thereon until his entry is allowed.

As a settler is, then, so clearly possessed of the equities which were intended to be recognized by the Congress in section 20 of the leasing act, the terms "entryman" and "entry" must be construed as intended to include him and his claim, unless a contrary intent appears in said act or other acts affecting his rights.

Nothing appears in the leasing act which remotely suggests that a settler should not be accorded a preference right to a permit if otherwise qualified.

Under the act of June 25, 1910 (36 Stat., 847), which limited and defined the power to withdraw public lands for special public purposes, lawful entries and valid settlements were excepted from the operation of said withdrawals so long as they were maintained in accordance with the laws under which they were made. A settlement was given the same standing as an entry in that respect. Although the later act of July 17, 1914 (38 Stat., 509), which authorized withdrawals of lands which had been located, selected, or entered, wherever said lands were subsequently withdrawn, classified, or reported as valuable for oil or gas, did not refer to settlers or lands covered by settlement claims, nevertheless such claims have been considered as included, the same as an entry; and, as in this case, the settler has been required, upon the placing of his entry of record, to consent to a mineral reservation, despite the fact that he had, at the time of the withdrawal of the land, a valid settlement which had since been maintained and converted into an entry in accordance with the law, and would, but for the act of July 17, 1914, supra, have been entitled to receive an unrestricted patent, without regard for said withdrawal, unless the existence of minerals in the land became known prior to final entry, which event of course would have made said entry subject to cancellation. If said settler is subject to the operation of the act of July 17, 1914, supra, and included in the class of persons who have "entered" lands subsequently withdrawn, it is certain that he is, equally with other entrymen, entitled to, and intended by the Congress to be given, a preference under section 20 of the leasing act.

The patentee in this case is entitled to a preference right to a permit under section 20 of the leasing act; and the conflicting applications will be rejected, and the outstanding permit, which was issued subject to valid existing rights will be canceled.

I suggest that appropriate amendments and additions to the leasing regulations, incorporating the views herein expressed, be submitted for departmental approval. Respectfully, E. C. FINNEY, First Assistant Secretary.

Circular No. 924.

DEPARTMENT OF THE INTERIOR

General Land Office

Washington

March 24, 1924.

: Relative to lease for
: rented quarters in the
: field; fiscal year 1925.

Registers and Receivers,
U. S. Surveyors General,
Chiefs of Field Division,
Assistant Supervisors of Surveys.

Gentlemen:

Inclosed find five blank forms of lease to be executed for the rental of premises to be occupied by your respective offices during the fiscal year ending June 30, 1925. This new form of lease was drawn up by the Interdepartmental Board of Contracts and Adjustments, Bureau of the Budget, was approved by the President on May 26, 1923, and its use throughout the Government service has been directed. The purpose of the new form is to secure uniformity of Government leases. If you will explain to the lessors that this is a standard form, liberalized in the interest of both parties, it is believed that no serious objections to its use will be encountered.

Before the preparation and execution of the lease you will make a careful canvass of the town in which your office is located for the purpose of ascertaining whether other suitable quarters can be secured at a less rental than it is proposed to pay for the quarters you now occupy. In the event other suitable quarters can be secured at a less rental you will advise this office to that effect, submitting proposal in writing from the owner of the premises, or his authorized representative, and accompany same with your recommendation as to the advisability of moving into the new quarters. If no suitable quarters are available at a less rental, you will proceed with the preparation and execution of the lease for the quarters now occupied, and make a statement to that effect in your letter transmitting the lease to this office. However, if the lessor demands a higher rental for the fiscal year 1925 than we are now paying you should take the matter up with this office before entering into a new lease.

If the work of your office has fallen off to such an extent that some space can be relinquished without seriously affecting the activities of the office you should take the matter up with the lessor and endeavor to obtain a reduction commensurate with the space that can be relinquished. In such case, before entering into the lease, you will take the matter up with this office, stating the number of rooms that can be relinquished, the area in square feet of each, and the amount of reduction the lessor agrees to allow.

INSTRUCTIONS RELATIVE TO THE PREPARATION AND
EXECUTION OF THE LEASE.

1. The instructions on page 1 of the blank form of lease must be observed in every respect, your particular attention being called to paragraphs 4, 5, and 6 thereof. In case the lessor is a corporation, evidence of the corporate existence, together with a certificate from the proper officer of the corporation that the person signing the lease has been authorized to do so, must be furnished. The certificate of authority to sign must be prepared in accordance with the model herewith inclosed (Form 5-022).

2. One original and 4 copies of the lease must be transmitted to this office. All original papers pertaining to the lease must be attached to the original lease and copies of all papers pertaining thereto must be attached to each copy thereof. Oath of disinterestedness on the form inclosed herewith must be attached to one copy of the lease. It will not be necessary to furnish copies of the oath of disinterestedness. After the lease has been approved authority will be given you to defray the rent and two of the copies thereof will be returned to you, one to be retained in your files and the other to be handed to the lessor or his agent. In the event the lessor desired an original lease two originals thereof should be executed.

3. Paragraph 5 of the lease should be prepared to read as follows:

This lease may, at the option of the Government, be renewed at a monthly rental of (here insert the rate provided in the lease) and otherwise upon the terms and conditions herein specified, provided notice be given in writing to the lessor at least one month before this lease would expire: Provided that no renewal thereof shall extend the period of occupancy of the premises beyond the thirtieth day of June, 1926.

4. In case there is a register and receiver of the office both officers must sign the lease and the oath of disinterestedness. Each signature to the lease must be witnessed by at least one person, and the addresses of the witnesses must be given. The blank space to the left of the space provided for the signatures of the parties to the lease may be utilized for the signatures and addresses of the witnesses.

5. In case the laws of the State require it the lease must be acknowledged.

6. The usual diagram of the space occupied, giving the dimensions and arrangement of the rooms, location of the vault, windows, and doors, and the area in square feet of each room, must be furnished.

7. The papers pertaining to the lease should be fastened thereto by means of an ordinary paper clip. Under no circumstances should a stapling machine or other method of permanently fastening the papers together be used. The papers are detached when the lease is received at this office and the use of a stapling machine or other method of permanently fastening them together results in the mutilation of the papers when they are detached.

The lease should be executed and transmitted to this office in ample time so that it may be approved by the Federal Real Estate Board and the Department, and authority given you to defray the rent prior to July 1, 1924.

By carefully observing the instructions contained herein a great deal of unnecessary correspondence, with the resulting delay in the approval of the lease, can be avoided.

Very respectfully,

WILLIAM SPRY,

Commissioner.

Circular No. 925.

POTASH REGULATIONS AMENDED

DEPARTMENT OF THE INTERIOR

General Land Office

Washington

March 29, 1924.

Registers and Receivers,

United States Land Offices.

Gentlemen:

March 25, 1924, the First Assistant Secretary of the Interior amended Circular No. 594 of March 21, 1918 (46 L. D., 323), governing permits and leases for potassium, under the act of October 2, 1917 (40 Stat., 297), as amended by Circular No. 781 of October 10, 1921 (48 L. D., 221).

Section 2a of the lease form, page 11, Circular No. 594, is amended as follows:

To invest ---- dollars within four years from the date hereof, not less than one-fourth thereof to be expended during each of said four years, in the substantial development and production of the deposits of potassium and other minerals in the land above described, or in the reduction, manufacture, and preparation of such mineral products for market. Such development, reduction works or other improvements for which said investment and expenditures are to be made shall, subject to agreed modifications to meet future conditions, in general, consist of the following:

A new paragraph, 10a, is added to said Circular No. 594 as follows:

10a. The lessee shall furnish a bond, with approved corporate surety or with two qualified individual sureties, in the sum of one-tenth of the proposed investment, but in no case less than \$2,500, conditioned upon the expenditure of the specified amount of investment. After the required investment has been made, a bond in a like amount, with approved corporate surety, conditioned upon compliance with the terms of the lease, will be required. With bonds signed by individual sureties must be filed affidavits of justification by the sureties that each is worth double the sum specified in the

undertaking over and above his just debts and liabilities in real property exempt from execution, and a certificate by a judge or clerk of a court of record, a United States District Attorney, a United States Commissioner, or a United States Postmaster, as to the identity, signatures, and financial competency of the sureties. All bonds will be examined from time to time as to their sufficiency, and additional security will be required whenever deemed necessary.

Very respectfully,

WILLIAM SPRY,

Commissioner.

INSTRUCTIONS--EXPIRATION OF PROSPECTING PERMITS.

DEPARTMENT OF THE INTERIOR.

General Land Office

Washington

April 5, 1924.

Registers and Receivers,
United States Land Offices.

Gentlemen:

Action taken by certain district land offices on applications for lands which have been included in prospecting permits outstanding for more than two years, indicates that not all district land officials fully understand the status of such permits, and in order that the matter may be made clear, you are instructed as follows:

Permits to prospect for potash, under the act of October 2, 1917 (40 Stat., 297), Circular No. 594 permits to prospect for coal and permits to prospect for sodium, under the act of February 25, 1920 (41 Stat., 437), Circulars No. 679 and 699 are issued for terms of two years without provision for extensions of time. If any such permittee does not apply for patent or lease, based on claim of discovery within the two-year period, the permit expires by limitation fixed by both the law and the terms of the permit. No formal action to terminate the permit is necessary or will be taken. Accordingly, such a permit, after two years from date of issue, being no longer in force, is no bar to the allowance of other filings for the land which it embraced.

As to oil and gas prospecting permits, the situation is different. The law authorizes extensions of time beyond the two-year period, and an oil and gas prospecting permit is to be considered in force until it has been canceled by this office and the cancellation noted on your tract books. (See 49 L. D., 171, also Circular No. 915, approved February 5, 1924.)

Very respectfully,

WILLIAM SPRY,
Commissioner.

Approved: April 5, 1924.

E. C. FINNEY,

First Assistant Secretary.

SALE OF TIMBER ON REVESTED GRANT LANDS IN OREGON.

Circular No. 928.

DEPARTMENT OF THE INTERIOR

General Land Office

Washington

April 14, 1924.

Instructions governing the sale of timber on revested Oregon and California Railroad and Coos Bay Wagon Road grant lands in the State of Oregon.

Registers and Receivers,

Lakeview, Portland,

and Roseburg, Oregon.

Gentlemen:

Under the provisions of the acts of June 9, 1916 (39 Stat., 218), and February 26, 1919 (40 Stat., 1179), certain lands, formerly within the Oregon and California Railroad and Coos Bay Wagon Road grants, revested in the United States. Section 2 of the act of June 9, 1916, provides for the classification of all lands revested thereunder into three classes, to wit; first, power-site lands; second, timber lands; and third, agricultural lands. Section 4 of said act reads in part as follows:

"The timber on lands of class two shall be sold for cash by the Secretary of the Interior, in co-operation with the Secretary of Agriculture, or otherwise, to citizens of the United States, associations of such citizens, and corporations organized under the laws of the United States, or any State, Territory, or District thereof, at such times, in such quantities, and under such plan of public competitive bidding as in the judgment of the Secretary of the Interior may produce the best results: Provided, That said Secretary shall have the right to reject any bid where he has reason to believe that the price offered is inadequate, and may re-offer the timber until a satisfactory bid is received:

Provided further, That upon application of a qualified purchaser that any legal subdivision shall be separately offered for sale, such subdivision shall be separately offered before being included in any offer of a larger unit, if such application be filed within ninety days prior to such offer; And Provided further, That said timber shall be sold as rapidly as reasonable prices can be secured therefor in a normal market.

The Secretary of the Interior shall, as soon as the purchase price is fully paid by any person purchasing under the provisions of this section, issue to such purchaser a patent conveying the timber and expressly reserving the land to the United States. The timber thus purchased may be cut and removed by the purchaser, his heirs or assigns, within such period as may be fixed by the Secretary of the Interior, which period shall be designated in the patent; all rights under said patent shall cease and terminate at the expiration of said period; Provided, That in the event the timber is removed prior to the expiration of said period the Secretary of the Interior shall make due announcement thereof, whereupon all rights under the patent shall cease.

No timber shall be removed until the issuance of patent therefor. All timber sold under this act shall be subject to the taxing power of the States, apart from the land, as soon as patents are issued as provided for herein."

Section 3 of the act of February 26, 1919, provides that all lands revested thereunder shall be classified and disposed of in the manner provided by the act of June 9, 1916, for the classification and disposition of the Oregon and California Railroad grant lands. The act of June 4, 1920 (41 Stat., 758), authorizes the sale of timber on power-site lands. Pursuant to the provisions contained in said acts, the following instructions are issued to govern timber sales made hereafter on lands revested under the acts of June 9, 1916, and February 26, 1919:

1. Prospective purchasers of timber on Oregon and California Railroad or Coos Bay Wagon Road grants should file application to purchase with the Assistant Supervisor of Surveys, 611 Post Office Building, Portland, Oregon, who will forward them to the Commissioner of the General Land Office,

Washington, D. C., with his recommendations. Application blanks and information with respect to the quality and quantity of timber on any given tract, and the appraised price, may be obtained from the Assistant Supervisor of Surveys on request.

2. Timber sales will be authorized in the General Land Office by one letter addressed to the Secretary of the Interior, in which all the facts appertaining to the proposed sale will be stated, accompanied by another letter, for the approval of the Department, addressed to the Register and Receiver of the local land office where the sale is to be held, giving the names of the applicants and such other facts as may be deemed appropriate, together with authorizations to the newspapers for the publication of the notice prepared and submitted therewith for that purpose. Publication will then be made for 30 days consecutively, if daily papers are designated, or five times consecutively if weekly papers are designated, in at least three newspapers of general circulation in the State of Oregon, one of which shall be in the county wherein the land is situated, of the notice announcing the intention to offer at public sale, on a day and at an hour specified, at the district land office where the land is located, the timber described in the notice furnished for publication; the cruiser's estimate of the timber on each 40-acre tract, appraised value thereof, and the terms of sale, to form a part of such notice.

3. The sale will be at public auction or outcry at the district land office of the district within which the land is situated, and conducted by the Register of such office.

4. The right of purchase at such sale will be limited, in accordance with the acts, to citizens of the United States, associations of such citizens, and corporations organized under the laws of the United States,

or any State, Territory, or District thereof. Native-born citizens should file an affidavit to that effect with the Register when making the first purchase, and naturalized citizens and corporations will be required to furnish either the original certificates or duly certified or attested copies of the certificates of naturalization or incorporation, respectively.

5. The Register, before offering any portion of the timber advertised, shall advise all intending purchasers that the patent for the timber purchased will contain a clause fixing the period within which said timber must be cut and removed by the purchaser, his heirs or assigns, at ten years; and that no timber shall be removed until the issuance of a patent therefor. He should also, before the sale, inquire whether any person present desires the timber on any legal subdivision advertised to be separately offered, before its inclusion in any offer of a larger unit, and if such request is made, the land thus designated may be so offered.

6. No timber shall be sold for less than the appraised price; and any bid may be rejected by the Secretary of the Interior, if it is by him deemed inadequate.

7. The timber shall be sold to the highest bidder, subject to the approval of the Secretary of the Interior, and the entire purchase price bid paid on the date of sale to the Receiver in cash, currency, or certified checks, when drawn in the manner authorized, who will issue his receipt therefor and hold the same as other "unearned moneys", until notified of the approval of the sale, when it shall be applied to the credit of the "Oregon and California land grant fund", if for timber sold on Oregon and California Railroad land, or "The Coos Bay Wagon Road grant fund", if for timber sold on the Coos Bay Wagon Road grant. After issuance of the receipt the Register will issue a cash certificate for the timber sold. Such certificate should give the name and preferably the address of the purchaser, proper description of the land

including the area involved, according to the plat of survey, serial and receipt numbers, amount of purchase money, and commissions paid, the act under which the land reverted, and also, in case the land is embraced in a power-site withdrawal, the act of June 4, 1920 (41 Stat., 758).

8. Persons who purchase timber at such sale shall be required to pay, in addition to the purchase price, a commission of one-fifth of one per centum thereof to be placed to the credit of the fund to which the purchase money is credited.

9. On the termination of the sale the Register will forthwith transmit to the General Land Office, by special letter, the cash certificate described in Sec. 7 hereof, and a report in duplicate of the proceedings under the sale, showing (1) the land on which the timber was sold; (2) the names of the purchasers; and (3) the amounts received therefor, together with such other details as may seem properly appropriate thereto. As soon as the sale has been approved by the Department, the General Land Office will advise you of that fact, and the patent will then be issued and transmitted in the usual way.

10. The Receiver of Public Moneys will, in addition to his regular abstracts, render monthly, for each county, in case of timber sales therein, a separate abstract, in duplicate, form 4-103, reporting thereon the date of the application of the money, the receipt and serial numbers, the name of the purchaser, together with a description of the land involved, and the amount of purchase money, using more than one line, when necessary, for each item. Commissions should be shown on this abstract on a separate line. Notation showing the county in which the land is situated should also be made upon the receipt and papers pertaining to the sale.

11. The laws of the State of Oregon, particularly the provisions of Sec. 8962 of the Oregon Code, with respect to the burning of slashing, are applicable to the cutting of all timber purchased under these regulations.

12. Circulars of September 15, 1917 (46 L. D., 447), and September 26, 1919 (47 L. D., 381), are superseded hereby.

Very respectfully,

WILLIAM SPRY,

Commissioner.

Approved: April 14, 1924.

E. C. FINNEY,

First Assistant Secretary.

Circular No. 929.

NOTATION OF CANCELLATION OF OIL AND GAS PERMITS.

DEPARTMENT OF THE INTERIOR
General Land Office
Washington

April 23, 1924.

Registers and Receivers,

United States Land Offices.

Gentlemen:

Owing to the many complaints of the operation of the present rule as to the noting of the cancellation of the oil and gas permits on the tract books of your offices in order that other applications may be received for the same land and in the interest of good administration and equal rights to all the following administrative rule is adopted:

Hereafter the cancellation of an oil and gas permit will be made effective on a certain date (probably 20 days from the date of the letter of this office taking such action) when the cancellation will be noted on the tract books of the local land office at 10 o'clock a. m. Applications for the land may be filed personally or by mail between the hours of 9 a. m. and 10 a. m. of the day cancellation becomes effective, and all applications so filed will be treated as having been filed at 10 a. m., and in case of conflict will be disposed of by a drawing held publicly by you at 2 p. m. on the same day.

Letters of this office canceling the oil and gas permits will name the date when cancellation becomes effective and will state the hour when applications may be filed as indicated in the preceding paragraph.

A carbon copy of such letter should immediately upon its receipt be posted in your office as notice to the public. The drawing should be conducted in such a manner that no valid criticism can or may be made as to its fairness.

Circular No. 915, dated February 5, 1924, is accordingly modified as to oil and gas prospecting permits.

Very respectfully,

WILLIAM SPRY,

Commissioner.

Approved: April 23, 1924.

E. C. FINNEY,

First Assistant Secretary.

(7367)

(Circular No. 474, amended)

EXPENDITURES FOR THE RECLAMATION OF DESERT LANDS.

DEPARTMENT OF THE INTERIOR

General Land Office

Washington

April 26, 1924.

Registers and Receivers,

United States Land Offices:

Sirs:

Section 18 of Circular No. 474 in relation to acceptable expenditures for the reclamation of desert lands is hereby amended by adding thereto the following paragraphs:

The value to be attached to and the credit to be given for, an expenditure for works or improvements is the reasonable value of the work done, or improvement placed upon the land, according to the market price therefor, or for similar work or improvements, prevailing in the vicinity, and not the amount alleged by a claimant to have been expended, nor the mere proof of expenditures, as exhibited by checks or other vouchers (Bradley v. Vasold, 36 L. D., 106).

Expenditures for the clearing of the land will not receive credit in cases where the vegetation or brush claimed to have been cleared away has not been actually removed by the roots. Therefore, expenditures for clearing, where as a matter of fact there has been only crushing, or rolling, or what is known in some localities as "railing" the land, will not be accepted.

You will give all possible publicity to this amendment of the regulations, and in examining annual proofs, and also final proofs in cases where final proofs have been submitted without the prior submission of annual proofs, you will carefully scrutinize such proofs with a view to determining whether the value of expenditures claimed is in accord with the true value of the work done or expenditures made, and also whether the clearing claimed to have been performed conforms to the requirements of the second paragraph of the amended regulations.

Very respectfully,

WILLIAM SPRY,

Commissioner.

APPROVED: April 26, 1924.

E. C. FINNEY,

First Assistant Secretary.

3 Inc.

DEPARTMENT OF THE INTERIOR

General Land Office

Washington

April 28, 1924.

In reply please refer to
Circular No. 930.

: Annual Report as to
: Unappropriated Lands.

Registers and Receivers,
United States Land Offices.

Sirs:

Inclosed herewith are blank forms (4-349) upon which you will report, IN DUPLICATE, the area of the unappropriated lands in your district on July 1, 1923, and the character thereof.

You will incorporate in this report a statement showing the aggregate number and area of entries of record in your district upon which final proof of compliance with the law has not been presented.

The data as to the surveyed lands should be obtained from the township plats, but the area of unsurveyed lands must necessarily be estimated. In making such estimates you will subtract from the total unsurveyed area any portion which is within a national forest, national monument, Indian, military, or other reservation.

Lands withdrawn for resurveys should be reported as unsurveyed, but the area of entries within the withdrawn townships should be treated as appropriated:

It is essential that your report be forwarded not later than July 1, 1924, and nothing must be allowed to delay it beyond that date.

It is suggested that delay in making the report can be obviated by commencing to check the township plats at an early date, and after the area of unappropriated land in a township has been ascertained and entered on a sheet to be attached to the plat, the noting thereon, of the proper debits and credits, as entries are made or relinquished, will make the correct area easily available at the close of business of June 30.

Your attention is invited to the fact that frequently only small areas are found vacant in certain counties. This, if published in the Vacant Land Circular, gives rise to many inquiries as to where these particular small areas are located, and it often happens that neither this office nor your office knows the description thereof. You will, therefore, in all cases where a county is reported as containing less than 500 acres, keep a memorandum of the description of these vacant subdivisions so that inquiries relative thereto may be answered promptly.

Lands in pending, unallowed, applications should be considered as appropriated.

Acknowledge receipt hereof on the inclosed card.

Very respectfully,

WILLIAM SPRY,

Commissioner.

----- O -----

INTEREST OF U. S. EMPLOYEES IN INDIAN OIL AND GAS LEASE.

THE SECRETARY OF THE INTERIOR

Washington

April 12, 1924.

The Commissioner
of Indian Affairs.

My dear Mr. Commissioner:

All existing regulations governing the leasing of Indian lands, both allotted and unallotted, for oil, gas, and other mining purposes are hereby so amended as to provide that no lease, assignment thereof, or interest therein will be approved to any employee or employees of the United States Government whether connected with the Indian Service or otherwise, and no employee of the Interior Department shall be permitted to acquire any interest in leases of the above character covering restricted Indian lands by ownership of stock in corporations having leases or in any other manner.

Subsequent regulations pertaining to leases of this kind hereafter submitted to this Department for approval must contain substantially a like provision.

Very truly yours,

HUBERT WORK.

INSTRUCTIONS AS TO NORTHERN PACIFIC RAILROAD, NOW RAILWAY, GRANT LANDS.

DEPARTMENT OF THE INTERIOR
General Land Office
Washington

April 28, 1924.

Registers and Receivers,

United States Land Offices, Idaho, Minnesota, Montana,
North Dakota, Oregon, Washington, Wisconsin, Wyoming.

Gentlemen:

By Joint Resolutions, Senate No. 82 and House Nos. 183 and 237, it is provided, among other things, that no patent shall issue to the Northern Pacific Railroad, now Railway, Company under the acts of July 2, 1864 (13 Stat., 365), and May 31, 1870 (16 Stat., 378), granting land to the said company, or under acts supplemental thereto or connected therewith, (H. J. Res. 237),

"until after Congress shall have made a full and complete inquiry into the said land grants and acts supplemental thereto for the purpose of considering legislation to meet the respective rights of the Northern Pacific Railroad Company and its successors and the United States in the premises."

Under departmental instruction of April 19, 1924, in connection with the above resolutions, it is directed that you receive all applications by the company to list or select land, when such applications are regular in all respects, assign serial numbers thereto, note them on your records as applications, and forward them to this office without action. Fees tendered with such applications should be carried as unearned until further advised. However, when necessary to reject an application wholly or in part, for any reason, you will proceed as heretofore, but will not, in any case, allow and approve any application by the company, original or supplemental, until further advised.

All applications by parties not claiming or asserting a right under or through the company, apparently conflicting with a claim, or claims, by or through the company, will be received and acted on as heretofore.

Acknowledge receipt hereof by letter.

Very respectfully,

WILLIAM SPRY,

Commissioner.

Approved: April 28, 1924.

E. C. FINNEY,

First Assistant Secretary.

(7404)

DEPARTMENT OF THE INTERIOR
General Land Office
Washington

1078291

PUBLIC LANDS RESTORED TO HOMESTEAD ENTRY AND OTHER DISPOSITION
BY PROCLAMATION, EXECUTIVE OR DEPARTMENTAL ORDER.

Preference Rights to Ex-Service Men of the War with Germany.

General Method of Opening:

By virtue of Public Resolution No. 29, of February 14, 1920 (41 Stat., 434), as amended by Public Resolutions Nos. 36 and 79, approved January 21 and December 28, 1922, respectively, hereafter and until February 15, 1930, when any surveyed lands within the provisions of the public resolutions are opened or restored to disposition under the authority of the Department, such lands, unless otherwise provided in the order of restoration, shall become subject to appropriation under the laws applicable thereto in the following manner, and not otherwise:

Lands not affected by the preference rights conferred by the acts of August 18, 1894 (28 Stat., 394), or June 11, 1906 (34 Stat., 233), or February 14, 1920 (41 Stat., 407), will be subject to entry by soldiers under the homestead and desert-land laws, where both of said laws are applicable, or under the homestead law only, as the case may be, for a period of 91 days, beginning with the date of the filing of the township plat in the case of surveys or resurveys, and with the date specified in the order of restoration in all other cases, and thereafter to disposition under all of the public land laws, applicable thereto, except where homestead entrymen are granted a prior preference period under the order. For a period of 20 days and for a like period prior to the date or dates such lands become subject to entry by the general public, soldiers in the first instance, and any qualified applicants in the second, may execute and file their applications, and all such applications presented within such 20-day periods, together with those offered at 9 o'clock a. m., standard time, on the dates such lands become subject to appropriation under such applications, shall be treated as filed simultaneously.

Unsurveyed lands are not subject to homestead or desert-land entry. A homestead entry may embrace 160 acres, or an approximation thereof, and where the lands are of the character contemplated by the 320 or 640 acres homestead acts, applications for the unappropriated lands may be filed by qualified persons, under either of said acts; accompanied by proper petitions, if undesignated, for the designation of lands thereunder, and such applications will be suspended pending determination as to the character of such lands.

The following are restorations or openings which will occur in the near future and concerning which further information may be obtained from the local offices:

(7066)

FROM STOCK DRIVEWAY WITHDRAWAL.

(417)

NEW MEXICO:

Eighty acres in Rio Arriba County, Santa Fe land district, open to surface entry under the homestead and desert-land laws by ex-service men of the war with Germany for a period of 91 days, beginning April 24, 1924. Filings may be presented at any time during the 20 days prior to that date. On July 24, 1924, any of such lands remaining unentered will be subject to appropriation under any public land law applicable thereto by the general public.

The land is released from stock driveway withdrawal and is withdrawn for coal classification, and is reported to be dry farming land. Further information, if desired, may be obtained from the United States local office at Santa Fe.

---- O ----

FROM STOCK DRIVEWAY WITHDRAWAL.

(418)

IDAHO:

Forty acres in Bingham County, Blackfoot land district, open to entry, subject to Sec. 24 of the Federal Water Power Act of June 10, 1920 (41 Stat., 1063), under the homestead or desert-land laws by ex-service men of the war with Germany for a period of 91 days, beginning April 26, 1924. Filings may be presented at any time during the 20 days prior to that date. If not entered during such 91-day period the tract will on July 26, 1924, be subject to appropriation under any public land law applicable thereto by the general public.

The land is released from stock driveway withdrawal and has also been restored from power-site withdrawal under the conditions and restrictions of said Sec. 24, and may be entered only with a reservation to the Government, or its licensees of the right to take any or all of the land for hydro-electric power purposes, upon paying the entryman for the growing crops and improvements thereupon. The tract is reported to be cultivable. Further information, if desired, may be obtained from the United States land office at Blackfoot.

OPEN TO ENTRY THROUGH SURVEYS AND RESURVEYS.

(429)

ARIZONA:
COLORADO:
IDAHO:
NEVADA:
WYOMING:

The official plats of the survey and resurvey of public lands have been transmitted to Surveyors General with instructions to transmit copies thereof to United States land offices for official filing as follows:

Fractional T. 3 S., R. 25 E.; T. 3 S., R. 29 E.; T. 4 S., R. 26 E.; T. 5 S., R. 28 E.; T. 5 S., R. 31 E.; and T. 16 S., R. 30 E., G. & S. R. M., Arizona with letter dated April 3, 1924, approximately 28,000 acres; United States land office at Phoenix.

T. 11 S., R. 90 W.; T. 12 S., R. 90 W.; T. 12 S., R. 91 W., 6th P. M., Colorado, with letter dated March 17, 1924, approximately 14,500 acres; which are not included in the Battlement National Forest; United States land office at Glenwood Springs.

Ts. 8 and 9 N., R. 17 E., and T. 10 N., R. 42 E., aggregating about 13,000 acres, not included within forest reservations and T. 13 S., R. 7 E., T. 13 S., R. 9 E., and T. 14 S., R. 8 E., B. M., Idaho, approximately 63,000 acres, with letters dated March 17 and April 3, 1924, respectfully; United States land offices Boise, Hailey, and Blackfoot.

Fractional T. 14 N., R. 69 E.; Ts. 25 and 26 N., R. 47 E.; T. 25 N., Rs. 48 and 48½ E., M. D. M., Nevada, with letters dated March 14 and April 3, 1924, approximately 71,500 acres; United States land office at Elko.

Ts. 57 and 58 N., R. 78 W.; T. 32 N., Rs. 73 and 74 W., 6th P. M., Wyoming, with letters dated March 13 and 14, 1924, approximately 64,000 acres; United States land offices at Buffalo and Douglas.

The dates of filing will be fixed by the registers of the several offices and the public lands indicated will be opened to entry and subject to prior valid settlement rights and equitable claims Ex-service men of the World War will be entitled to a preference right to enter these lands under the homestead and desert-land laws for a period of 91 days, beginning with the date of filing of the plats under Public Resolutions Nos. 36 and 79, dated January 21 and December 28, 1922, respectively.

In addition to the above Ts. 4 and 5 S., R. 25 E.; T. 5 S., R. 26 E.; T. 4 S., R. 29 E.; T. 9 S., R. 29 E., Arizona, aggregating about 87,000 acres, were surveyed upon application of the State and the public lands involved were withdrawn under the provisions of the act of August 18, 1894 (28 Stat., 394), until 60 days after the date of filing of the plats, during which period the State has a preference right to select lands therein in satis-

faction of public land grants. Upon the expiration of such period ex-service men of the World War are entitled to the preference right heretofore indicated for lands not selected by the State. All lands will be opened to general disposition on the expiration of the preference periods indicated.

The lands in Arizona are reported as mountainous and rolling. The soil on the rolling lands is a sandy, gravelly loam, second and third rate; on the mountainous lands, rocky and fourth rate. There is a scattering growth of timber, undergrowth, and a fair growth of grass over all.

In Colorado the lands are mountainous and rolling covered with timber and a good growth of grass. The soil is a sandy, clay loam, first, second, and third rate.

Ts. 8 and 9 N., R. 17 E., Idaho, are rough and mountainous but well watered by creeks and springs with a good growth of bunch grass. Small tracts of timber are found throughout the township. T. 10 N., R. 42 E., is rolling bench land mostly within a forest reservation and covered with timber. T. 13 S., Rs. 7 and 9 E.; T. 14 S., R. 8 E., are mountainous and rolling with a good growth of bunch grass and other forage plants which afford grazing for stock. The soil on the rolling lands is a sandy loam, second and third rate; stony on mountainous land.

In Nevada the greater portion of the lands are reported as mountainous and rolling with patches of scrub timber and a fair growth of grass. In T. 25 N., Rs. 47 and 48 E., there is considerable level land. The soil varies from a sandy, clay loam on the level portions to a gravelly and rocky loam on the rolling hills.

In Wyoming Ts. 57 and 58 N., R. 78 W., are reported as rolling and broken. T. 32 N., Rs. 73 and 74 W., have considerable level land with a rich, sandy loam soil capable of producing fair crops with irrigation. Most of the soil is a composition of gumbo and sand about second rate. Grass and sage brush afford grazing for stock.

RESTORATION FROM POWER SITE WITHDRAWAL.

(420)

UTAH:

About 720 acres consisting of several small tracts along the Ogden River and tributaries in Weber and Morgan counties, Salt Lake City land district, Utah, near the towns of Ogden, Huntsville, and Morgan restored from power-site withdrawal and will be opened to homestead and desert-land entry by ex-service men of the war with Germany for a period of 91 days, beginning May 23, 1924. Filings may be presented at any time during the 20 days prior to that date. On and after August 22, 1924, copy of said lands remaining unentered will be subject to appropriation under any applicable public land law by the general public.

MEMORANDUM FOR THE COMMISSIONER.

(421)

ARIZONA:

Approximately 1,673.55 acres in T. 41 N., R. 2 W., G. & S. R. M., Coconio County, Phoenix land district, Arizona, will be opened to homestead and desert-land entries to ex-service men of the World War, beginning May 22, 1924. Filings by ex-servicemen may be presented during the 20 days prior to that date, such filings to be considered as simultaneously made and to be disposed of by lot. Beginning September 10, 1924, any of said lands remaining unentered will be subject to appropriation under any of the applicable public land laws by the general public.

The lands to be restored to entry are adjacent to and near the townsite of Fredonia, which is located in Secs. 17 and 20.

OIL AND GAS ACTIVITIES.

During the month of April, 541 new cases were received as against 313 in the preceding month. Old cases received for further action numbered 1,608, a decrease over the previous month. New permits were issued in 266 cases, 166 applications were finally rejected and closed, and 78 were partially rejected; 281 applications were rejected in toto and 17 in part, subject to appeal; 43 assignments of interests in permits were acted upon and 179 extensions of time were disposed of; 86 permits were held for cancellation and 69 were canceled. During the month departmental decisions were rendered whereby 31 actions were affirmed, and 7 modified; 694 applications were examined and reports thereon called for from the Geological Survey and Reclamation Bureau.

Under the "relief" sections of the act and other sections providing for the issuance of leases, 1 permit was issued, 6 applications were finally rejected and closed, and 2 were rejected finally in part; 3 assignments were acted upon; and 12 extensions of time disposed of. The total number of old cases received for the month in connection with this branch of the work was 84.

MINERAL LEASING RECEIPTS.

Receipts under the mineral-leasing act of February 25, 1920, for the month of March amounted to \$1,743,383.94, of which \$1,741,151.53 was from lands outside naval reserves and \$2,232.44 was from lands within the naval reserves.

CONSOLIDATED WORK REPORT OF LOCAL LAND OFFICES FOR THE MONTH OF

MARCH, 1924.

OFFICES.	End Last Month.			Received and Disposed of.		End of this Month.		
	Pend- ing desig- nation.	Sus- pend- ed re- jected other wise.	Pend- ing un- acted on by R. & R.	Rec'd. in this month.	Trans- mitted to GLO this month.	Now pend- ing desig- na- tion.	Now sus- pend- ed re- jected other- wise.	Pend- ing unact- ed on by R. & R.
Alabama								
Montgomery		17		16	17		16	
Arizona								
Phoenix	116	181		266	257	142	164	
Arkansas								
Harrison		27		53	50		30	
Little Rock		211		87	79		219	
California								
El Centro	19	43		46	62	16	30	
Eureka	50	1		9	9	50	1	
Independence	47	96		57	44	51	105	
Los Angeles	51	107		163	160	45	116	
Sacramento	62	64		62	60	53	75	
San Francisco	120	44		73	83	102	52	
Susanville	24	15		24	21	24	18	
Visalia	13	36		54	55	12	36	
Colorado								
Del Norte	34	3		16	23	22	8	
Denver	99	42		88	61	102	66	
Durango	26	20		47	47	22	24	
Glenwood Springs	261	432		385	359	264	420	35
Lamar	35	16		41	36	37	19	
Leadville	8	23		12	15	5	23	
Montrose	91	112		78	73	92	116	
Pueblo	183	89		170	121	197	124	
Sterling	12	11		15	15	13	10	
Florida								
Gainesville		21	14	72	73		25	9
Idaho								
Blackfoot	56	82		79	88	43	86	
Boise	53	58		72	63	53	67	
Couer d'Alene	1	33		22	22	1	33	
Hailey	38	68		42	37	43	68	
Lewiston	9	22		17	11	10	27	
Kansas								
Topeka	27	11		4	6	29	7	
Louisiana								
Baton Rouge		12		20	13		19	

Michigan						
Marquette	5	5	16	13		8
Minnesota						
Cass Lake		3	25	25		3
Crookston	9		21	21		9
Duluth	32	5	19	53		3
Mississippi						
Jackson		15	19	17		17
Montana						
Billings	22	16	10	19	18	11
Bozeman	60	50	33	28	58	57
Glasgow	103	43	65	66	103	42
Great Falls	33	24	43	41	30	29
Harve	59	35	62	63	56	37
Helena	125	94	60	101	99	79
Kalispell	2	2	18	15	2	5
Lewistown (a)						
Miles City	206	66	111	149	158	76
Missoula	11	7	12	9	11	10
Nebraska						
Alliance		23	18	13	25	3
Lincoln	18	4	6	4	20	4
Nevada						
Carson City	33	101	42	31	33	112
Elko	26	32	19	24	27	26
New Mexico						
Clayton	54	39	59	52	56	44
Fort Sumner	33	34	79	58	37	51
Las Cruces	40	99	122	108	43	110
Roswell	58	49	232	198	61	80
Santa Fe	108	141	199	249	61	138
North Dakota						
Bismarck	16	20	21	16	11	30
Dickinson	10	3	9	2	10	10
Oklahoma						
Guthrie	42	18	29	29	46	14
Oregon						
Burns	24	4	16	17	23	4
La Grande	58	47	39	28	59	57
Lakeview	45	57	20	13	52	57
Portland		9	29	31		7
Roseburg		25	93	90		28
The Dalles	91	29	70	63	98	29
Vale	20	60	38	32	20	66
South Dakota						
Bellefourche	4	4	20	16	4	8
Pierre	66	26	35	35	68	24
Rapid City	28	31	40	47	24	28
Utah						
Salt Lake City	365	210	195	253	264	253
Vernal	19	24	51	29	20	45

Washington							
Seattle		5	10	10		5	
Spokane	21	48	41	49	21	40	
Vancouver	5	1	2	4	2	2	
Walla Walla	15	4	14	11	21	1	
Waterville	32	16	33	35	30	16	
Yakima	9	3	8	8	9	3	
Wisconsin							
Wausau			13	11		2	
Wyoming							
Buffalo	85	36	81	88	87	27	
Cheyenne	120	100	130	115	130	105	
Douglas	40	169	122	209	34	88	
Evanston	39	98	83	48	41	131	
Lander	43	49	31	47	17	59	
Newcastle	90	54	69	87	69	57	
TOTAL,	3,754	3,934	14	4,722	4,740	3,486	4,154
							44

Note (a)---No report received from this office on
April 29, 1924.

OFFICES of REGISTER AND RECEIVER at SPOKANE CONSOLIDATED.

By executive order of March 21, 1924, the offices of register and receiver of the United States land office at Spokane, Washington, were consolidated and the office of receiver abolished. Departmental order of March 28, 1924, made the consolidation effective at the close of May 26, 1924.

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DESIGNATIONS AS ACTING REGISTER.

Festus Caruthers designated as acting register at Lamar, Colorado; letter of designation dated April 18, 1924.

Miss Mollie Hoffman designated as acting receiver at Alliance, Nebraska; letter of designation dated April 22, 1924.

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BIND YOUR BULLETINS.

Volume 7 of the Land Service Bulletin is now complete and members of the Land Service on the mailing list should at once transmit to the Chief Clerk of the General Land Office the twelve numbers that make up the volume, so that it may be properly indexed and bound, after which it will be returned to the sender.

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TELL THE BULLETIN.

To All Local Offices and Field Service Employees:

If anything occurs, in the public land service, which you think is of administrative value, tell us about it. Address all communications to the Commissioner of the General Land Office, "Land Service Bulletin." All information should be received not later than the 24th of each month for use in the current number.

LAND SERVICE BULLETIN

DEPARTMENT OF THE INTERIOR GENERAL LAND OFFICE

By direction of the Secretary of the Interior the matter contained herein is published as administrative information and is required for the proper transaction of public business.

Vol. 8.

June 1, 1924.

No. 4.

POSSESSORY RIGHTS PROTECTED.

In the case of Wagoner against Hanson, decided by the Department April 1, 1924, and noted in this number of the Bulletin, it was held in substance, that where one by the construction of a tank upon the public land, acquires a vested right under sections 2339, Revised Statutes, of the United States to use the water thus stored, and is in possession of the surrounding land, he will be accorded a preference right to acquire title to the land upon which his improvements are situated under an appropriate land law, as against another who has been allowed to make an entry under the stock-raising homestead act, citing a number of decisions by the courts and the Department, in support of such conclusion.

The fundamental principal upon which this line of decisions rests, is the protection of good faith occupants of public lands as against the assertion of adverse claims initiated with notice of the possessory rights of the prior occupant.

The entryman under the stock-raising homestead law makes an affidavit in support of his application "that said land is unoccupied and unappropriated by any person claiming the same under the public land laws other than myself," the verity of which is dependent upon the entryman's personal knowledge of the land embraced within his proposed entry. With knowledge of such character, he stands charged with notice of possession by a prior occupant, into which he is bound to inquire, and failure so to do is at his peril.

The district land officers are responsible for the record status of land applied for under any of our public land laws, but the field status is a matter practically left to the diligence of the applicant, and on this point he

should be specially advised by the district land officers, and his attention directed to the importance of his actual knowledge of the land, not only as to its character, but as to any existing occupancy thereof.

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CITIZENSHIP OF MARRIED WOMAN.

A desert-land entry recently came before the office in which the applicant stated that she was native born and a housewife, but failed to give the date of her marriage, or disclose the citizenship of her husband.

The naturalization act of September 22, 1922 (42 Stat., 1021), expressly provides that the marriage of a woman after the date of that act shall not affect her citizenship unless the husband be ineligible to citizenship, in which case she shall cease to be a citizen. If married prior to the act of September 22, 1922, then the citizenship of the wife follows that of the husband, Martha I. Richardson (50 L. D., 205). The applicant in this case, therefore, was required to establish her citizenship status by furnishing an affidavit giving the date of her marriage and showing whether her husband is native born or naturalized; if naturalized, record evidence of such fact to be furnished, and consist of a copy of the court papers in the matter, certified to by the proper custodian thereof; if he is not a citizen of the United States, then the affidavit to show whether he is eligible to become such citizen.

Attention is called to this case as an illustration of the unnecessary work and expense that follows the failure of the district land office to ascertain whether the conditions essential to the allowance of an entry are shown to exist before such action is taken. In this particular instance, Circular No. 857, volume 6, Land Service Bulletin, directed attention to the requisite conditions that should be shown in the matter of citizenship due to the passage of the act of 1922, hence no excuse exists for the present defective record.

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SURVEY NOTES.

Pinnacles National Monument, California.

By letter dated May 5, 1924, the Director of the National Park Service requested that the boundaries of the Pinnacles National Monument be resurveyed for administrative reasons. It appears that the lands constituting this monument are described in terms of legal subdivisions of the public land surveys executed in 1882, and that the corners of said surveys, which were of native material, are not marked appropriately for the reservation boundary.

Under the conditions presented, this office has assumed the responsibility of making a resurvey of the boundaries of the reservation, in which iron monuments, of suitable size, with brass caps appropriately marked, will be established at mile and half-mile intervals.

The reservation embraces over 2,000 acres and was created by proclamations of January 16, 1908, and May 7, 1923. The name is derived from the spire-

like rocks which form a landmark visible for many miles in every direction. Many of the rocks are so precipitous that they can not be scaled. A series of caves, opening one into the other, lie under each of the groups of rocks. There are several specimens of balancing rocks, and the pinnacles, domes, caves, and subterranean passages of the monument are awe-inspiring on close inspection.

Cooperative Surveys in Jefferson National Forest, Montana.

In furtherance of a cooperative undertaking whereby the cadastral surveys of the General Land Office, and the topographic surveys of the Forest Service on forest reservations in Montana, are being executed simultaneously and as a joint undertaking the Forester has advised this office that the District Forester at Missoula, has sufficient funds available not only to complete the surveys on the townships held over from last year, but also, to survey about 70,000 additional acres in T. 13 N., Rs. 9 and 10 E., and T. 14 N., R. 10 E., in the same national forest, with the prospect of carrying on similar cooperative work in 1925 in the Helena National Forest.

This office has met the situation by authorizing all of the surveys referred to on the Jefferson Forest and approving the special instructions for the field work, which have been issued by the United States Surveyor General.

Report of Examination Great Salt Lake.

J. C. Thoma, Cadastral Engineer, who has been engaged on the investigation of the water elevations of the Great Salt Lake, and the littoral lands in the vicinity of the Bear River Bay, Group 110, Utah, filed his report with the United States Surveyor General at Salt Lake City, Utah, on May 29, 1924. This has been a complex case and one of unusual interest. The report, when received here with the Surveyor General's recommendations, will be taken up for careful study with a view to determining whether or not there are any public lands remaining unsurveyed within the scope of the examination.

Survey Mendenhall Elimination from Tongass Forest, Alaska.

The survey of the Mendenhall Elimination from the Tongass National Forest, Alaska, was authorized on May 17, 1924, upon the recommendation of the District Forester, submitted through the office of the Supervisor of Surveys. The lands are partly occupied by claimants under the forest homestead law, and it is anticipated that the balance of the lands will be appropriated as trade and manufacturing sites, homesteads, and scrip locations. The boundaries of the elimination only will be surveyed as the laws under which the lands will be disposed of provide special and distinct forms of surveys.

Surveyors in the Field.

On May 15, 1924, there were 76 surveyors engaged with their parties in the field, distributed throughout the several surveying districts as follows:

Alaska-----	3
Arizona-----	2
California-----	10
Colorado-----	7
Idaho-----	5

Montana-----	10
Nebraska and South Dakota-----	4
Nevada-----	4
New Mexico-----	6
Oregon-----	4
Utah-----	6
Washington-----	4
Wyoming-----	4
Eastern District-----	7
Total-----	76

This is an increase of 56 over the number in the field on April 15, 1924, and an increase of 23 over the number engaged in field work at this time a year ago.

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FIELD SERVICE.

Assignment of Special Agents, Mineral Examiners, Carey Act, and Irrigation Inspectors, and Timber Cruisers for the season of 1924.

Alaska Field Division.

Chief:--Parks, George A., Anchorage, Alaska.

Special Agents:--Carlisle, H. K.
Ramsey, J. A.

Mineral Examiners:--Guthrey, S. E.

Cheyenne Field Division.

Chief:--Dyer, Robert W., Cheyenne, Wyoming.

Special Agents:--Chafee, Earl W.
Kimble, L. B.
Smith, Willard T.
Smythe, C. T.
Wegner, F. A.
Yoder, F. W.

Mineral Examiners:--Dietz, C. S.
Morgan, Glenn B.

Denver Field Division.

Chief:--Kelley, Ralph S., Denver, Colorado.

Special Agents:--Brown, W. G.
Doyle, Edward
Elmes, Thomas
Gilcrest, W. M.
Heron, B. F. L.
Leuenberger, C. F.
Thompson, A. W.
Yelverton, J. D. (Assistant Chief.)

Mineral Examiners:--Berry, O. J.

Helena Field Division.

Chief:--Gammon, Nathan, Helena, Montana.

Special Agents:--Bennett, Orris
Garvey, T. P.
Lepper, H. H.
Miller, R. C.
Nicholas, T. A. L.
Wade, W. S.

Mineral Examiners:--Galbraith, E. C.
Holley, R. A.

Portland Field Division.

Chief:--Laughlin, Harry E., Portland, Oregon.

Special Agents:--Boyer, W. S.
Brosnan, J. J.
Brown, H. J.
Burt, W. B.
Foley, E. S.
Imes, Carl
Richie, C. W.
Thomas, J. D. C.
Underwood, Leonard
Walker, C. B.

Mineral Examiners:--Burritt, H. R.
Cox, W. R.
Hazard, F. H.
Merrin, H. W.
Cutter, P. F.

Timber Cruisers:--Bayley, F. L.

Salt Lake Field Division.

Chief:--Moore, J. Arthur, Salt Lake City, Utah.

Special Agents:--Blumer, J. M.
Farley, F. P.
Hilton, E. J.
Keefe, E. J.
Quinn, E. M.

Mineral Examiners:--Bywater, G. G.
Kintz, G. M.
Safley, F. J.
Sholes, W. R.
Stull, Neil F.

Carey Act Inspector:--Wells, Charles W.

Timber Cruisers:--McKinley, Thomas W.

San Francisco Field Division.

Chief:--Favorite, Joseph H., San Francisco, California.

Special Agents:--Foley, L. J.
Lantz, Ira
Loughlin, T. M.
Waddell, N. F.
Wilhelm, A. A.

Mineral Examiners:--Fibush, N. J.
Hamman, J. S.
Kinsley, A. C.
Palmer, L. A.
Smith, C. C.

Santa Fe Field Division.

Chief:--Murphy, John T., Santa Fe, New Mexico.

Special Agents:--Conlon, James
Craig, B. B.
Crockett, G. C.
Daly, R. M.
Hanna, W. J.
Livermore, M. G. (Assistant Chief.)
Moulton, H. D.
McCarthy, J. S.
Neary, R. L.
Wilcox, H. L.

Mineral Examiners:--Busch, J. E.
Ferris, H. A.
Mackel, Louis
Queen, H. E.

Assistant Irrigation Engineer:--Price, H. S.

Timber Cruisers:--Donohue, A. P.

Southern Field Division.

Chief:--Neal, James W., Jackson, Mississippi.

Special Agents:--Bradshaw, C. R.
Hilman, J. G.
Leech, J. H.
Wood, W. C.
Rynearson, B. F.

Mineral Examiners:--Sears, M. A.

Timber Cruisers:--Chatterton, J. B.
Mabry, C. C.
Snowden, W. T.

Washington Field Division.

(Minnesota, Wisconsin, Michigan,
Headquarters, Washington, D. C.)

Special Agents:--Follen, C. F.

Timber Cruisers:--Brigham, N. O.

These agents work directly under the supervision of the Chief of Field Service.

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NOTES ON PRESENT ASSIGNMENT.

Ralph S. Kelley, for nearly six years last past Chief of Field Division at Salt Lake City, has been transferred to Denver as Chief of the Denver Division, vice M. D. McEniry, resigned.

Special Agent J. Arthur Moore, of the Portland Division, has been appointed Chief of Field Division at Salt Lake City, vice R. S. Kelley, transferred to Denver.

Mineral Examiner S. E. Guthrey has been transferred to Alaska for the coming season from the Santa Fe Division.

Special Agent J. A. Ramsey, who put in the winter in the Southern Division, has returned to Alaska for his second season's work.

Special Agent L. B. Kimble, who has been doing some very excellent work in the Santa Fe Division the past winter, has been transferred to the Cheyenne Division.

Special Agent Willard T. Smith, for several years last past connected with the Salt Lake Division, has been transferred to Cheyenne.

Glenn B. Morgan, of the Cheyenne Division, who has been engaged in important coal work in Alabama the past winter, has been returned to Cheyenne where he will resume his duties as Mineral Examiner for that division.

Special Agent Wiley G. Brown has been transferred from the Santa Fe to the Denver Division.

Special Agent R. C. Miller has returned to the Helena Division from his season's work in the Southern Division.

Special Agent T. A. L. Nicholas has been transferred to the Helena Division from Santa Fe.

Mineral Examiner R. A. Holley returns to the Helena Division from the San Francisco Division.

Mineral Examiners P. F. Cutter, H. W. Merrin, and Fred H. Hazard, who were working in the Santa Fe Division the past winter, have been returned to the Portland Division.

Mineral Examiner A. C. Kinsley, who was temporarily transferred from Portland to San Francisco for the winter, will remain in the latter division for the time being.

Special Agent F. P. Farley is now attached to the Salt Lake Division, by transfer from the Cheyenne Division.

Mineral Examiner Cassius C. Smith, of the Denver Division, is now attached to the San Francisco Division. Mr. Smith, whose home is in Reno, Nevada, will now probably be able to see his family oftener than once a year.

Special Agent J. G. Hillman, who last season was attached to the Cheyenne Division, is now a part of the field force of the Southern Division.

Stephen W. Norton, Chief of Section in Division "FS," who has been on detail in the Santa Fe Division for the past six months, returned to Washington June 2, and has resumed his old desk.

The examinations of Central Pacific Railroad Grant land in Nevada, which for many years have been conducted by the Denver Field Division, will hereafter be made by the examiners of the San Francisco Division, this transfer of work having been effected last month.

NOTABLE WYOMING HOMESTEAD.

Wyoming claims a record in homesteading, the result of the work of Mrs. Sarah Weaver, who at the age of 90 years has been granted her final patent on a newly won home 10 miles south of Buffalo. She made application for a homestead entry in 1915 and year after year has lived on the land, cultivated a garden, and has never absented herself from the place for more than a few days at a time.

"I like my home very much," she says. "We have a splendid view of the mountains and enjoy a trip to the mountains every summer. Although I am 90 years old I still enjoy my home and my friends when they come."--Casper Tribune.

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RECENT DECISIONS OF THE COURTS AND THE DEPARTMENT.

Rights of Way--Act of February 15, 1901.

The decision of the Supreme Court of the United States handed down May 26, 1924, in the case of John Swendig et al. against Washington Water Power Company, involved the question as to whether the issuance of a homestead patent operated to revoke or cancel a permit for a right of way, over the patented tract, theretofore issued under the provisions of the act of February 15, 1901. After the statement of the case the court said:

"The question to be decided is whether, as to the lands described therein, the patents issued to appellants revoked or canceled the permits theretofore granted to appellee by the Secretary.

"The act of March 3, 1901 (31 Stat., 1083), relating to rights of way for the construction of telephone lines does not apply. The telephone wires are used only in connection with the operation and maintenance of the power line. Appellee's rights are to be determined under the act of February 15, 1901. Its material provisions are:

"That the Secretary of the Interior be, and hereby is, authorized and empowered, under general regulations to be fixed by him, to permit the use of rights of way through the public lands, forest and other reservations of the United States, and the Yosemite, Sequoia, and General Grant national parks, California, for electrical plants, poles, and lines for the generation and distribution of electrical power, and for telephone and telegraph purposes, and for canals, ditches, pipes and pipe lines, flumes, tunnels, or other water conduits, and for water plants, dams, and reservoirs used to promote irrigation or mining or quarrying, or the manufacturing or cutting of timber or lumber, or the supplying of water for domestic, public, or any other beneficial uses to the extent of the ground occupied by such canals, ditches, flumes, tunnels, reservoirs, or other water conduits or water plants, or electrical or other works permitted hereunder, and not to exceed 50 feet on each side of the marginal limits thereof, or not to exceed 50 feet on each side of the center line of such pipes and pipe lines, electrical, telegraph, and telephone lines and poles, by any citizen, association, or corporation of the United States, where it is intended by such to exercise the use permitted hereunder or (for) any one or more of the purposes herein named: . . . And provided further, That any permission given by the Secretary of the Interior under the provisions of this act may be revoked by him or his successor in his discretion, and shall not be held to confer any right, or easement, or interest in, to, or over any public land, reservation, or park."

"When the homestead entries were made by appellants, the regulation of July 8, 1901, was in force. Paragraph 11 (31 L. D., 17) contains the following: "The final disposal by the United States of any tract traversed by the permitted right of way is of itself, without further act on the part of the Department, a revocation of the permission so far as it affects that tract, and any permission granted hereunder is also subject to such further and future regulations as may be adopted by the Department." August 24, 1912, before the patents were issued, this provision was superseded by the following regulation (41 L. D., 152, par. 9): "The final disposal by the United States of any tract traversed by a right of way permitted under this act shall not be construed to be a revocation of such permission in whole or in part, but such final disposal shall be deemed and taken to be subject to such right of way until such permission shall have been specifically revoked in accordance with the provisions of said act." At the same time, the Secretary by regulation required that all patents issued have on their face a notation of prior permits." *

"It was competent for Congress to make subsequent homestead entries subject to the act of February 15, 1901, and to the regulations fixed by the Secretary. And undoubtedly the power and authority of the Secretary under the act may be so exercised as to affect the rights and limit the title of subsequent homestead entrymen. Within the scope of the authorization, he may make, and from time to time change, regulations for the administration of the act. The rights of appellants as entrymen were subject to the proper exercise of that power. The regulation in effect when appellants settled on the land expressly provided that permissions granted were subject to further and future regulation. At that time the right of way was occupied and used for the operation of the power line. When the patents issued, that regulation had been superseded by the one of August 24, 1912."

"Appellants contend that appellee acquired a mere license temporarily to use the right of way through the lands in question, and that the patents without more revoked the license and deprived appellee of its right of way over the lands therein described. In support of this contention, they stress the concluding clause of the act, stating that the permission given "shall not be held to confer any right or easement or interest in, to, or over any public land, reservation, or park." The purpose of the act is to grant to the Secretary power 'to permit the use of rights of way' through the lands referred to. And, in order that control over them may be retained, it is provided that the Secretary in his discretion may revoke such permits. The enterprises mentioned in the act involve expensive and permanent construction. The use of land necessary for the undertakings specified is to be distinguished from mere licenses to travel over, graze cattle on, or otherwise use or occupy land without investment for construction or improvements. Plainly, the piecemeal revocation of the right of way, whenever a patent is issued to a settler along the line, would increase the financial burden and add elements of risk to the investments, and so be inconsistent with the purpose of the act. The clause above quoted should be read to promote and advance, not to defeat, the legislative purpose to permit the use of rights of way through public lands for the industries and utilities mentioned. It is included from an abundance of caution to support and safeguard the Secretary's power of revocation. It means that the permissions given shall not be deemed to confer any right that

* The order with respect to notations was recalled and vacated by the regulations approved April 14, 1915 (44 L. D., 6). See also, 45 L. D., 477.

may not be revoked by him in the exercise of his discretion. There is no other enactment providing for the termination of the use of the rights of way. The right to use continues until the permission given by the Secretary is revoked by him."

"As the sole power of revocation was committed to his discretion, it was within the power of the Secretary to determine that final disposal of the lands would operate to revoke the permission; and it was also within his power, by the regulation of August 24, 1912, to declare that final disposal shall not be deemed to be a revocation, but shall be subject to the right of way until such permission shall have been specifically revoked. Upon elaborate consideration, in 1912, the Secretary held that the provision of the regulation first above quoted was directly contrary to the purpose of the statute. He said, "It discouraged development by making the title of the permittee subject to that of the final patentee of the land occupied under the permit, . . . To effectuate the purpose of the statute it is necessary that a permit once given should be superior to the rights of the subsequent patentee of the land until such time as the permit is duly revoked by the Secretary of the Interior in the exercise of the express authority given by the statute, . . . The regulations hereinbefore made (41 L. D., supra), will protect permittees from any demands that might otherwise be made upon them by subsequent claimants of the lands over which the permits give a right of way." (Letter of August 23, 1912, from the Secretary of the Interior to the Commissioner of the General Land Office.)"

"The regulation is still in effect. The construction and application of the act so made and provided for have been followed since that time. If the meaning of the act were not otherwise plain, this interpretation would be a useful guide to the ascertainment of the legislative intention. It is a "settled rule that the practical interpretation of an ambiguous or uncertain statute by the Executive Department charged with its administration is entitled to the highest respect, and, if acted upon for a number of years, will not be disturbed except for very cogent reasons." *Logan v. Davis*, 233 U. S., 613, 627.

"Appellants contend, and it is true as a general rule, that when, conformably to the laws, entry is made and certificate given, the land covered ceases to be a part of the public lands (*Witherspoon v. Duncan*, 4 Wall., 210, 219), and that, when a patent issues in accordance with governing statutes, all title and control of the land passes from the United States. *United States v. Schurz*, 102 U. S., 378, 396. But we hold that, under the act and the regulation made pursuant to it and in force when the patents issued, these rules do not operate to strike down rights, subject to which, under the law, the lands are patented. Under the permission of the Secretary, the power line had been constructed and was maintained on the right of way over the lands in question for a long time before the reservation was opened for settlement. The entries were made subject to the regulations then in force, and were affected by the provision "that any permission granted hereunder is also subject to such further and future regulations as may be adopted by the Department." The fact that the patents did not have thereon a notation of the prior permit is not controlling. Under the regulation then in force, final disposal did not revoke the permit, but was made subject to the use of the right of way for the power line. It was intended that the patent should not extinguish the earlier permission given by the Secretary. The issuing of the patents without a reservation did not convey what the law reserved. They are to be given effect according to the laws and regulations under which they were issued. See *Stoddard v. Chambers*, 2 How., 234, 318; *Jamestown and Northern Railroad Co. v. Jones*, 177 U. S., 125; *Smith v. Townsend*, 148 U. S., 490."

Water Rights--Riparian Ownership.

In such western States as have adopted the "Colorado doctrine," which rejects the common law as to riparian rights, the ownership of the waters of natural streams is in the State, in trust for the public, and individual rights in such waters can be acquired only by appropriation and application to beneficial use.

Water Right Appurtenant To Land.

The usufructuary right to water, or water right, is appurtenant to the land on which the water is applied to beneficial use, and is distinct from, and independent of, the property right in the diversion dam, canals, ditches, and reservoirs by which the water is diverted, stored, and carried to the land for use thereon. *Murphy v. Kerr.* (296 Federal Reporter, 536.)

Contract of Sale of Oil Does Not Include Gas or Gasoline.

A sale of oil, gas, and mineral rights, which obligates the purchaser to deliver to the seller one-eighth part of all oil produced and saved from the land, does not cover gas, gasoline, or carbon produced from the gas; gasoline not being susceptible of classification as "oil" as used in the contract of sale (Supreme Court of Louisiana). *Wilkins v. Nelson et al.* (99 Southern Reporter, Page 607.)

Homestead Entry--Incumbrance for Debt.

The Federal homestead laws do not prohibit an entryman from incumbering the land prior to patent for improvements placed thereon. (Supreme Court of Wyoming). *Wright v. Walker.* (225 Pacific Reporter, 75.)

Water Rights--Artificial Development.

One who artificially develops or produces water, and adds or turns the same into a natural stream, which water in due course would not have otherwise reached the stream on the surface or in underlying sands, may acquire a right thereto superior to adjudicated rights of earlier appropriators of natural waters of the stream only; but one making such claim must establish by clear and satisfactory evidence that water thus added was produced and contributed by him, and that, if not interfered with and left to flow in accordance with the natural laws it would not have reached the stream. (Supreme Court of Colorado.) *Comrie et al. v. Sweet et al.* (225 Pacific Reporter, 214.)

Oil and Gas Lands--Prospecting Permit--Reservation.

An oil and gas prospecting permit will be denied under section 13 of the act of February 25, 1920, for lands dedicated to some special public purpose, such as a bird reservation, if drilling operations will jeopardize or impair the use of the land for the special purpose to which it was dedicated.

Reclamation--Oil and Gas Lands--Prospecting Permit--Lease.

Lands acquired by purchase or condemnation pursuant to section 7 of the reclamation act, when no longer needed for reclamation purposes, can be disposed

of only at public auction and the proceeds derived therefrom must be placed in the reclamation fund to the credit of the particular project; such lands and the oil and gas deposits therein are not subject to prospecting or lease under the act of February 25, 1920.

Reclamation--Withdrawal--Improvements--Oil and Gas Lands.

Public lands, withdrawn for a reservoir site, which can not be restored to the public domain without damage to the project, or which have, because of improvements placed thereon, become lands that may be sold only for the benefit of the reclamation fund, are not subject to the operation of the leasing act of February 25, 1920.

Reclamation--Withdrawal--Restorations--Improvements--Oil and Gas Lands.

Public lands withdrawn for a reservoir site, or other similar purpose, which contain deposits of oil or gas, may be restored and leased pursuant to the act of February 25, 1920, where their restoration can be effected without damage to the project, or unless, because of improvements placed thereon, the lands have become subject to disposition only by sale for the benefit of the reclamation fund.

Reclamation--Withdrawal--Restorations--Indemnity--Oil and Gas Lands--Prospecting Permit--New Mexico.

Lands reconveyed to the United States by the State of New Mexico for reclamation purposes pursuant to the enabling act of June 20, 1910, which contains an indemnity provision as consideration for such transfers, occupy a status similar to that of withdrawn public lands, rather than that of lands acquired by purchase or condemnation, and the granting of permits to prospect for oil or gas upon such lands will be dependent upon the determination of whether or not their restoration will be detrimental to the project.

Reclamation--Withdrawal--Mineral Lands--Lease.

Lands withdrawn for a reservoir site or similar reclamation purposes which are essential to the project, and lands acquired by purchase or condemnation for the exclusive use of the project, may be developed for their mineral resources only by temporary leases for periods not inconsistent with the needs of the project, and the proceeds therefrom must be placed in the reclamation fund to the credit of that project.

Departmental Decision Cited and Applied.

Case of Martin Wolfe (49 L. D., 625), cited and applied.

J. D. Mell et al; decided March 12, 1924, by First Assistant Secretary Finney; motion for rehearing denied May 21, 1924.

Soldiers' Additional--Fees--Vested Right--Mineral Lands--Hearing.

Until all fees and commissions required by law have been paid, a vested right does not attach under an application to make a soldiers' additional entry pursuant to section 2306, Revised Statutes, and therefore the submission of proof

upon such application does not, in the absence of the payment of the fees and commissions, bar an inquiry relating to the mineral character of the land as of a date subsequent to the submission of the proof.

Van Dyke Copper Company v. Malott; decided March 24, 1924, by First Assistant Secretary Finney.

Oil and Gas Lands--Mineral Lands--Statutes.

In the second proviso to section 21, and in section 37 of the act of February 25, 1920, Congress expressly recognized oil shale to be a mineral deposit that was subject to location and patent under the mining laws.

Oil and Gas Lands--Mineral Lands--Survey--School Land--Utah.

Lands that were known to be chiefly valuable for their deposits of oil shale at and prior to the acceptance of the Government survey thereof were known mineral lands at that time and were, therefore, excepted from the grant to the State of Utah for school purposes.

State of Utah v. Watson Oil Company;
decided March 24, 1924.

Desert Land--Final Proof--Confirmation--Water Right.

A desert-land entry does not come within the confirmatory provision of section 7 of the act of March 3, 1891, if the final proof shows on its face, at the time of its submission, incomplete and unsatisfactory compliance with law as to appropriation of a water right, and the entryman is required, before the expiration of the two-year statutory period, to remedy the defect or suffer cancellation of the entry.

Court and Departmental Decisions Applied.

Rule announced in case of Jacob A. Harris (42 L. D., 611), and approved in case of Lane v. Hoglund (244 U. S., 174), applied.

Erick E. Palmgren; decided March 28, 1924, by Assistant Secretary Goodwin.

Timber and Stone Entry--Coal Lands--Withdrawal--Surface Rights--Statutes.

The act of June 22, 1910, which authorizes entries under certain nonmineral land laws of the surface of lands, withdrawn or classified as valuable for coal, does not include either expressly or by implication entries under the timber and stone act.

Timber and Stone Entry--Coal Lands--Reservation--Surface Rights--Statutes.

The act of March 3, 1909, the purpose of which was to preserve the surface claims of persons who had made locations, selections, or entries under the nonmineral land laws for lands thereafter classified, claimed, or reported as valuable for coal, is broad enough, both in its terms and intent, to embrace entries under the timber and stone act, subject to the reservations specified in the act of 1909.

Timber and Stone Entry--Coal Lands.

Until the determination by the Department that land applied for under the timber and stone act is subject to entry thereunder, and an appraisal has been made, no contract status exists between the Government and the applicant.

Coal Lands--Prospecting Permit--Secretary of the Interior--Supervisory Authority.

The issuance of a coal prospecting permit, which is merely a license, under the act of February 25, 1920, is discretionary with the Secretary of the Interior, and such permit will be issued only where prospecting is necessary to show either the existence or workability of coal deposits.

Coal Lands--Prospecting Permit--Adverse Claim--Supervisory Authority.

While the Department may, and occasionally does, issue permits pursuant to the act of February 25, 1920, to prospect unappropriated land even though the evidence before it does not appear to warrant prospecting, yet, where an adverse claim exists, a permit will be issued only upon a clear showing that the land has prospective mineral value.

Coal Lands--Prospecting Permit--Application--Relation--Adverse Claim.

Where there had been no determination by the Department with full knowledge of the facts as to the coal character of land, the doctrine of relation can not properly be invoked upon the granting of a prospecting permit under the act of February 25, 1920, to stamp the land as classified, claimed, or reported coal in character for the purpose of defeating an entry initiated after the permit application was filed but before the permit issued.

William H. Davis; decided March 31,
1924, by First Assistant Secretary Finney.

Oil and Gas Lands--Mining Claim--Section 37, Act of February 25, 1920.

The fact that one claiming oil and gas land under a placer location gave financial assistance to another who drilled a test well and discovered oil upon other land in the locality, does not alone constitute such diligent prospecting by the former as to bring the land in his claim within the exception clause of section 37 of the act of February 25, 1920.

Oil and Gas Lands--Mining Claim--Possession.

Right of possession to a claim under the mining laws prior to discovery is accorded only so long as the claimant remains in actual physical possession of the land and in diligent prosecution of prospecting operations, and where there has been no discovery, the mere performance of so-called assessment work will not prevent relocation by another.

Oil and Gas Lands--Mining Claim--Possession--Section 37, Act of February 25, 1920.

The exception clause of section 37 of the act of February 25, 1920, did not confer upon a claimant of a group of placer claims of oil and gas lands, upon which no discovery of mineral had been made, a right to retain them unless he had

been in actual continuous possession of each claim and in diligent prosecution of prospecting thereupon up to the time of the passage of that act.

Oil and Gas Lands--Prospecting Permit--Act of January 11, 1922.

Group development under an oil and gas prospecting permit issued pursuant to the act of February 25, 1920, is not recognized as performance of the conditions of the permit, but as such diligence in an effort to procure the performance necessary to warrant the extension of time authorized by the act of January 11, 1922.

Oil and Gas Lands--Prospecting Permit--Secretary of the Interior--Supervisory Authority.

The act of February 25, 1920, contains a positive direction that oil and gas deposits be disposed of only as provided therein, and is mandatory to that extent, but the act of January 11, 1922, vests the Secretary of the Interior with special discretionary powers with respect to the granting of extensions of time for the performance of the conditions in prospecting permits.

Oil and Gas Lands--Prospecting Permit--Mining Claim--Possession.

The principle of group development, recognized by the Department in connection with the granting of extensions of time for the performance of the conditions in prospecting permits issued pursuant to the leasing act, has no application to like development of more than 160 acres under the placer mining laws by one not in possession, or entitled against others to possession of the lands claimed.

Departmental Decisions Cited and Applied.

Cases of Charles R. Haupt (48 L. D., 355), and Cotner et al. v. Isgrig et al. (49 L. D., 224), cited and applied.

Mountain States Development Company v.
Taylor et al.; decided March 31, 1924, by
First Assistant Secretary Finney.

Water Right--Vested Rights--Improvements--Possession--Preference Right--Stock-raising Homestead.

Where one, by the construction of a tank upon a tract of public land, acquires a vested right to use water by section 2339, Revised Statutes, and is in possession of the surrounding land, he will be accorded a preference right to acquire title to the land upon which his improvements are situated under an appropriate land law as against another who has been allowed to make an entry under the stock-raising homestead act.

Court and Departmental Decisions Cited and Applied.

Cases of Atherton v. Fowler (96 U. S., 513), Lyle v. Patterson (228 U. S., 211), Krueger v. United States (246 U. S., 69), Dennee v. Ankeny (246 U. S., 208), Jones v. Arthur (28 L. D., 235), and Burtis v. Kansas (34 L. D., 304), cited and applied.

Wagoner v. Hanson; decided April 1, 1924, by
First Assistant Secretary Finney.

Survey--Lake--Land Department--Jurisdiction.

The Land Department, after it has disposed of the adjacent surveyed lands, has no jurisdiction to survey, as omitted areas, small tracts of lands outside the meander line of the original surveys about the margins of lakes and streams, which were narrow strips or shifting sand bars, tow-heads, or other unsubstantial areas, considered of little value at the time of survey.

Court Decision Cited and Applied.

Case of United States v. Lane et al. (260 U. S., 662), cited and applied.

Arthur Savard; opinion of April 14, 1924,
by First Assistant Secretary Finney.

Oil and Gas Lands--Prospecting Permit--Lease--Surface Rights.

The only disposition that may be made of the surface pursuant to section 29 of the act of February 25, 1920, of lands for which a prospecting permit or lease has been awarded, is such disposal, under existing nonmineral land laws, as will preserve to the permittee or lessee free use of the surface in any manner necessary to meet the fullest compliance with the terms of the permit or lease.

Oil and Gas Lands--Prospecting Permit--Lease--Surface Rights--Reservation--Improvements--Damages--Waiver.

The free use of the surface accorded by section 29 of the act of February 25, 1920, to a permittee or lessee, is included in the right to prospect for, mine and remove the mineral deposits reserved by the act of July 17, 1914, in lands subsequently entered pursuant to the latter act, and the waiver of compensation required of such entryman is not an alteration or enlargement of the terms of the act of 1914, inasmuch as the only provision in that act requiring reimbursement to an entryman for damage to his crops and improvements, is that contained in section 2 thereof, which relates to nonmineral claims antedating the initiation of mineral rights.

Oil and Gas Lands--Prospecting Permit--Surface Rights--Improvements--Damages--Waiver.

The practice of requiring an express waiver of claim to compensation for damage to crops and improvements by one who has been permitted to make a surface entry pursuant to section 29 of the act of February 25, 1920, is merely an administrative means of fully informing the entryman as to the extent of his rights under that section.

Oil and Gas Lands--Withdrawal--Surface Rights--Settlement--Homestead Entry--Relation.

When a valid settlement precedes a withdrawal, classification or report that the lands are of mineral character, an entry, predicated upon such claim, afterwards allowed pursuant to the act of July 17, 1914, relates back to the date of settlement and the rights of the entryman under the homestead laws are to be determined accordingly.

Oil and Gas Lands--Prospecting Permit--Adverse Claim--Settlement.

Where a permit has been applied for or issued under the leasing act, and the land has not been withdrawn or classified as valuable for oil or gas deposits, a conflict between the permittee and a nonmineral entryman who settled upon the land prior to the initiation of the permit will be adjudicated pursuant to section 12 (c) of the oil and gas regulations, and the entryman will be afforded an opportunity to prove that the lands are nonmineral in character.

Departmental Decisions Cited, Distinguished and Applied.

Case of William R. Brennan (48 L. D., 108), cited and distinguished; case of Alfred O. Lende (49 L. D., 305), cited and applied.

Pace v. Carstarphen et al; decided April 9, 1924,
by First Assistant Secretary Finney.

Oil and Gas Lands--Prospecting Permit--Lease--Surface Rights--Secretary of the Interior--Supervisory Authority.

The authority conferred upon the Secretary of the Interior by section 29 of the act of February 25, 1920, to permit the allowance of surface entries of lands included in prospecting permits and leases is discretionary with that officer.

Oil and Gas Lands--Prospecting Permit--Lease--Surface Rights--Stock-raising Homestead.

Section 29 of the act of February 25, 1920, provides that only such surface as is not necessary for the use of a permittee or lessee may be disposed of, and, where a stock-raising homestead entry has been allowed pursuant to that section, the right vested in the permittee or lessee to use so much of the surface as may be necessary to conduct operations under the permit or lease is paramount to the right of the entryman to use such surface.

Oil and Gas Lands--Prospecting Permits--Surface Rights--Stock-raising Homestead--Improvements--Damages.

Section 29 of the act of February 25, 1920, modifies that portion of section 9 of the stock-raising homestead act which requires compensation for damage to the crops and improvements of the entryman resultant from the prospecting for the reserved mineral deposits, as to stock-raising homestead entries allowed pursuant to the former section.

Carlin v. Casariel; decided April 21, 1924,
by First Assistant Secretary Finney.

Oil and Gas Lands--Prospecting Permit--Lease.

The action of the Land Department in granting an oil and gas prospecting permit under section 13 of the act of February 25, 1920, is, in effect, an adjudication that the land is of a status and character subject to prospecting thereunder, and it can not thereafter deny a lease under section 14 of that act to the permittee where he has in good faith proceeded, in reliance on the permit,

to discovery and production of oil and gas.

Raven Oil and Refining Company; decided April 22, 1924, by First Assistant Secretary Finney.

Attorney--Agent--Assignment--Alienation--Patent--Selection--Act of January 27, 1922

An irrevocable power of attorney to make a change of entry under the act of January 27, 1922, whereunder the agent is authorized to make a selection and to transfer the land after the issuance of patent, constitutes an assignment of the right or claim, and is in violation of the second proviso to that act, but selections may be made by an agent acting under an ordinary power of attorney.

Court Decisions Cited and Distinguished.

Case of Midway Company v. Eaton (183 U. S., 602), cited and distinguished.

John W. Marquardt; decided April 23, 1924, by First Assistant Secretary Finney.

Reclamation Homestead--Survey--Right of Way--Railroad Land--Purchase--Payment.

Where a farm unit which has been surveyed without segregation of a railroad right of way contains lands on both sides thereof, disposition of such unit under the reclamation homestead act will be made in accordance with the survey without any deduction from the purchase price as to diminution in area caused by the right of way, but the water charges will be based on the irrigable area only.

Reclamation Homestead--Survey--Right of Way--Railroad Land--Purchase.

In the establishment of farm units in a reclamation project upon lands crossed by a railroad right of way, the units are generally confined to one side of the right of way, and no part thereof is included in the survey pursuant to which the lands are disposed of under the reclamation homestead act, but such rule is not invariable and may be modified to meet engineering or irrigation conditions.

Departmental Decision Cited and Distinguished.

Case of Clinton C. Read (45 L. D., 646), cited and distinguished.

James A. Power et al; decided April 23, 1924, by First Assistant Secretary Finney.

Right of Way--Canals, Ditches and Reservoirs--Power Sites--Water Right--Reclamation--Reservation.

The inhibition in the act of March 3, 1921, against the granting thereafter of any permit or other authorization for reservoirs or other works for the storage or carriage of water within the limits of any national park or national monument without specific authority of Congress, is applicable to such works for

irrigation purposes as well as for power purposes, and precludes the granting of an extension of a right of way over such lands for an irrigation reservoir constructed pursuant to the act of March 3, 1891.

Arbuckle Reservoir Company; opinion of
Solicitor Edwards April 23, 1924; approved
by First Assistant Secretary Finney.

Oil and Gas Lands--Prospecting Permit--Application--Practice.

The provision in section 4 of the oil and gas regulations of March 11, 1920, relating to the thirty day suspension in local offices of permit applications to await the presentation of preference right claims before transmittal to the General Land Office, applies only to applications for lands subject to disposal under the leasing act, but an application for prospecting land covered by an uncanceled permit, or otherwise segregated, should be rejected at once by the local officers, subject to the right of appeal, and transmitted in due course to the Commissioner of the General Land Office.

Departmental Decision Cited and Applied.

Case of Martin Judge (49 L. D., 171), cited and applied.

Monson v. Sawyer; decided April 26, 1924,
by First Assistant Secretary Finney.

DEPARTMENT OF THE INTERIOR
General Land Office
Washington

March 18, 1922.

205831 "F" AED

: Twin Buttes Irrigation
: District.

Register and Receiver,

Blackfoot, Idaho.

Sirs:

Paragraph 18 of the desert-land circular approved September 30, 1910 (39 Stat., 253), requires in substance that before an expenditure for stock or for an interest in an irrigation company shall be accepted as a satisfactory annual expenditure on a desert-land entry the company must be reported upon by an authorized officer to determine its resources and reliability and such report must be favorably acted upon. A similar regulation is contained in desert-land Circular No. 474, approved May 18, 1916. These regulations have been construed as also applying to irrigation districts.

In pursuance of these regulations and on April 2, 1921, a mineral examiner of this office submitted a report on the Twin Buttes Irrigation District from which the following facts are in substance obtained:

ORGANIZATION AND HISTORY.

The Twin Buttes Irrigation District was duly organized under the laws of Idaho for the purpose of financing the construction and finally taking over an irrigation project which was to have been constructed and operated by the Birch Creek Irrigation Company. All steps for the organization of the district have been taken, a copy of the order creating said district pursuant to an election held on March 20, 1919, being filed with the report, which shows that said order was issued by the county officers at a meeting held on May 26, 1919. As yet the district has not voted or authorized the issuance of any bonds and it is not certain whether or not the district will issue bonds at all at least at the time of the report. It appears that in the year 1920 the Board of Directors of the district twice changed the boundaries of said district, once by including certain described lands and the other time by eliminating certain described lands. As now organized the district embraces about 10,000 acres of land to which extent it is proposed to limit the project at first. Later if it becomes definitely known that there will be sufficient water it may be possible to increase the capacity of the project to 20,000 acres. Practically all of the land in the district is embraced in pending desert-land cases there being no deeded land whatever. Water for the irrigation of the land is to be obtained by means of storing water diverted from Birch Creek. No assessments have as yet been made and there are no funds standing to the credit of the district. The Idaho statutes provide for no particular rate of taxation or assessment for district purposes. The headquarters address of the district is Arco and Boise, Idaho.

Under date of September 15, 1920, this office, in taking action on the Birch Creek Irrigation Company came to the conclusion that no annual proofs alleging expenditures to said company nor final proofs alleging said company as a source of water supply should be accepted, such conclusion being based upon several reports submitted upon the question of the feasibility of the said irrigation project. In the last report on the company, dated February 23, 1918, it was found in substance that the decree affecting the water rights on Birch Creek, the main source of water supply, had become final; that this company took nothing under said decree; that the company's filing on Eighteen Mile Creek had lapsed due to noncompletion of works; and that as far as was ascertainable the company had been dormant for some time and had never diverted any water.

In pursuance of office letter of September 22, 1920, wherein five applications for extensions of time filed in connection with desert-land entries, Blackfoot 06190, 06191, 07917, 07918, and 07923, were held for rejection based upon the conclusion reached in said office letter taking action on the Birch Creek Irrigation Company, each of the entrymen: on October 30, 1920, filed, "notice of appeal and application for a hearing," the same being accompanied and supported by an affidavit by T. W. Thomas, president of said company, in which affidavit said Thomas denied the principal allegations made in the report on the company stating, among other things, that the decree affecting the water rights on Birch Creek was not final; that the company's water rights are in good standing; that when the system is finished there will be sufficient water for all the lands embraced in the five desert-land entries mentioned above; that the company is not dormant; and that an irrigation district has been formed including these lands.

In view of the assertions made in said affidavit this office, on November 30, 1921, called upon the Field Service for a further investigation of the project to be made, as a result of which the report now under consideration was submitted.

For the purpose of finally transferring to the district all rights, title, and interest in any way connected with the irrigation project, the following agreements have been entered into between the parties interested in said project:

On August 1, 1919, the Birch Creek Irrigation Company entered into an agreement with the Twin Buttes Irrigation District which provides, among other things, that upon the payment of \$60,000, \$10,000 of which is to be paid in cash and the balance to be paid at the option of the district in cash or lawfully issued bonds of the district, the said company is to execute and deliver to the clerk of said district a deed conveying all water rights, rights of way, franchises, reservoir sites, and system of canals now constructed or hereafter acquired prior to the delivery of the deed. In conformity with this agreement the company, on August 1, 1920, conveyed by deed to the district all its rights and title in any way connected with the project with the exception of one-half of the rights represented and one-half of the quantity of water represented by permits Nos. 4281, 6076, and 16303. No consideration need be given to permit

No. 4281 for the reason that the company under the decree above mentioned was held to take nothing under said permit; nor does any consideration need be given to permit No. 6076 inasmuch as it has lapsed. In regard to permit No. 16303 nothing in the report nor elsewhere in the record discloses that this permit has ever been considered in connection with the water supply of this company.

It also appears that the district entered into separate agreements with various persons desiring to make desert-land entries of land now within the district or of lands which may hereafter be included in said district wherein it was agreed, among other things, that in consideration of certain sums to be paid by the prospective entrymen the district would furnish a certified copy of a water certificate showing the ownership of a certain number of shares of water rights, the original of which was to be retained by the district and the rights pertaining to which are to be conveyed to it by the Birch Creek Irrigation Company. Said agreement also made provision for the submission of annual proofs by the district as required by the desert-land laws for the benefit of said entrymen; said annual proofs to be based upon the various sums stipulated to be paid by the entrymen.

For the purpose of facilitating matters with respect to transacting the affairs of the project in view of the fact that many of the settlers under said project live in scattered localities an agreement was entered into between T. W. Thomas, the president of the company, and secretary of the district, and the prospective entrymen which provided, among other things, for the appointment of said Thomas as the agent and attorney in fact of said entrymen with full power and authority to do all and everything necessary to be done in carrying out the purpose and objects of said company or its assigns as set forth in the Articles of Incorporation, including among other things the right to make, execute, and deliver a mortgage or mortgages on and to issue bonds against the lands of the various desert-land entrymen as shall be found necessary for the purpose of building an adequate irrigation system and to levy assessments against said lands and stock held by the entrymen for the purpose of paying the principal and interest, either or both, of said mortgages and bonds or for any other expenses in connection with the maintaining of the irrigation works, which assessments constitute a lien upon said lands and may be enforced in the same manner provided by law for the foreclosure of mortgages. Copies of the above-mentioned agreements are filed with the report.

The company at the time of the report was capitalized for \$400,000, divided into 20,000 shares having a par value of \$20 each, but under the present plan of operation the company expects to limit its stock sales to approximately 10,000 shares sufficient for the irrigation of 10,000 acres on the basis of one share to an acre and for which there appears to be an ample supply of water, it being thought that possibly the project can be developed to 20,000 acres when it becomes known that there will be sufficient water for that area. Each share temporarily provides for a proportionate interest in the water rights, rights of way, and irrigation works supposedly owned by the company.

In regard to the situation as it existed at the time of the report the examiner states that all stockholders under the project have agreed under the agreements above set forth to convey all their rights, title, and interest in the project including their stock to the district and that the company has also under its agreement and deed now vested all rights and title to the project in said district.

WATER RIGHTS.

The district's title to its water is based upon the various agreements and deed above mentioned, and also upon certain filings for water and reservoir rights on Birch Creek made by T. W. Thomas in the State engineer's office for the benefit of the project.

It appears that the water rights on Birch Creek were finally adjudicated by a decision dated June 10, 1915, issued by the District Court of the 5th Judicial District of the State of Idaho in and for the County of Freemont, in the case of Agnes B. Reno, et al., vs. J. R. Richards, et al., wherein, among other things, it was held that the Birch Creek Irrigation Company took nothing by the decree and is not entitled to the use of water from said creek or any of its tributaries. The water rights as finally adjudicated covered all rights up until July 10, 1910, which included permit No. 4281, for 400 second-feet of water from Birch Creek owned by the company. No copy of this decree was furnished.

Since the decree there has been filed by T. W. Thomas for the benefit of the project, on April 17, 1915, permit No. 11493, for 60,000 acre-feet from Birch Creek and its tributaries in regard to which the State engineer extended the time for the completion of the irrigation works until August 2, 1925, for the reason that the suit above mentioned was pending at the time. It also appears that T. W. Thomas made the following filings for the benefit of the company:

Permit A-220, filed March 24, 1920, for 50,000 acre-feet from Birch Creek to be stored in a reservoir covering 1,035 acres of land and the capacity of which is 39,138 acre-feet. The work is to be completed June 2, 1925, and proof of beneficial use is due June 2, 1929.

Permit No. 14712, filed March 24, 1920, for 200 second-feet from Birch Creek to be used in connection with permit No. A-220.

No certified copies of these permits have been furnished nor does it appear that the permits have been conveyed to the company although the agent states that the permits recite the fact that the filings were made for the benefit of the company and will be later conveyed to the same.

The agent states that the agreement and deed between the Birch Creek Irrigation Company and Twin Buttes Irrigation District and the individual agreements between the stockholders and the said district would seem to vest proper title to all water and property rights in connection with the project in the district.

WATER SUPPLY.

Birch Creek is rather a peculiar stream in that it heads in some large springs located a few miles above the proposed dam site for the project and crosses a rather barren valley and finally sinks entirely away in what is generally known as the "Snake River Plains" and locally as the "Mud Lake desert country." The drainage basin lies rather high and does not afford a very large run-off even during flood time in the spring so that the discharge of the streams varies little throughout the entire year. Apparently the channel of the creek is quite porous, the entire country traversed by the stream being underlain with gravel to a considerable depth. For this reason a large amount of water is lost before reaching the points along the lower part of the creek where diversions are made.

The only discharge records available for Birch Creek were secured along in 1910, 1911, and 1912. The station at which these records were taken was located in Sec. 13, T. 10 N., R. 29 E. A considerable number of the holders of various water rights on the creek were diverting water above the said station at the time the records were obtained. Just how much water was being taken out was difficult to say at the time of the report.

A study of the monthly discharge records set forth in the report during the years above mentioned and from information received from general inquiry from persons long familiar with Birch Creek led the examiner to believe after considering the diversions made above the gauging station that the average run-off of the stream would probably be from 60,000 to 70,000 acre-feet annually and that of these 60,000 to 70,000 acre-feet about one-half would occur at such time as would enable it to be stored in the proposed reservoir for this project. At any rate he thought it safe to assume that approximately 30,000 acre-feet of stored water can be acquired in view of the fact that this is the only project calling for water from Birch Creek which involves a storage proposition.

The Birch Creek Irrigation Company and the Twin Buttes Irrigation District expect to secure an appreciable supply of water by improving the channel of Birch Creek and by diverting the water into a canal that will carry it past a more pervious portion of the creek channel in conformity with the rule laid down in the syllabus of the decision of the Supreme Court of Idaho filed December 26, 1918, in the case of Agnes B. Reno, et al., vs. J. R. Richards, et al., it being stated that where through the construction of artificial works losses of water from seepage and evaporation are prevented the person making such improvement was entitled to the water thus conserved. A copy of this syllabus is submitted with the report.

The examiner states that it is very difficult to comment briefly on the amount of water required for appropriations prior and adverse to the rights of this project. A considerable part of the water held under the prior rights is used on lands located some distance from the creek channel and below the mouth of Birch Creek valley. This water normally

is allowed to run down the channel of Birch Creek and is diverted just above the point where the creek disappears altogether. A large amount of water is lost through this practice. It is a portion of this water that the company and district propose to reclaim by taking water out of the Birch Creek channel and conducting it in a canal some 4 or 5 miles long and then allowing it to be turned back again into the natural channel. All of the normal flow of the stream is now used by rights older in priority than the ones connected with this proposed development. The project therefore will have to depend almost entirely on storage water and such seepage water as it can recover. It appears that a sufficient amount of water can be saved by improving the channel of Birch Creek to materially counteract losses in the irrigation system of the project.

The Birch Creek Irrigation Company has made some very complete investigations to determine the actual area of land and the actual amount of water used thereon by adverse appropriators and it was found that the amounts allotted under the decree hereinabove mentioned, were in almost every case grossly in excess of the amount that should have been allowed and it is expected that in due time when it is known definitely that the district will be allowed to proceed that suitable action will be taken to secure a readjudication of the water rights on Birch Creek in which case it is the hope to secure some of the direct flow during at least part of the irrigation season. The examiner was of the opinion that it could be safely assumed for the purpose of this report that the district could rely upon a water supply of at least 30,000 acre-feet even though it should appear that all of it had to be stored water.

COMPLETION AND IRRIGATION CAPACITY.

From maps submitted with the report which shows the proposed plan of reclamation the examiner states that it will appear that there are two possible reservoir sites on Birch Creek that might be developed. The one known as the upper site has its dam near the quarter corner between Secs. 2 and 3, T. 10 N., R. 29 E. The other known as the "lower site" has its dam in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 13, T. 10 N., R. 29 E. Both sites were inspected by the examiner from which inspection he believed that there was little to choose between the two in so far as the construction of the dam was concerned. The engineer of the company believed the lower site would be the better to develop as a larger reservoir capacity could be had with the same dam height even though more land would have to be purchased. From tables set forth in the report it appears that the upper reservoir site will have a capacity of about 9,561 acre-feet at a dam height of 110 feet and that the lower reservoir site will have a capacity of about 43,346 acre-feet at the 210 feet contour line. It is proposed to construct the same type of dam regardless of which of the two reservoir sites is finally decided upon. For the lower site the dam will be approximately 100 feet high or more if sufficient water is found available to warrant it, and will be constructed of earth with suitable concrete, cut-off walls. The upstream slope is to be covered with 12 inches of rock riprap. The length will be approximately

683 feet on top and 450 feet on bottom. A suitable spillway is designed to allow a free board of 5 feet. The outlet is to be through a tunnel excavated through a solid wall at the end of the structure. The said outlet is to be concrete lined and the water controlled by means of a shaft heading down to said outlet tunnel in which a suitable gate or gates will be installed so that they can be operated through the shaft. The said outlet tunnel will be about 700 feet long and about 4 by 5 feet in the clear.

The examiner states that about one-half of the land to be flooded in the lower reservoir site is deeded which will have to be purchased probably at a cost of \$50 per acre, but as much of the deeded land now has decreed water rights attached to it the company will, therefore, acquire several hundred inches of decreed water which will help compensate for the price paid for the land. The examiner could see no particular reason why the proposed lower reservoir could not be built although it must be admitted that far more would be known in regard to the feasibility of constructing a dam at the place contemplated when suitable test pits have been sunk to determine the character of the foundation that could be had.

The project contemplates the construction of a ditch diverting water from Birch Creek in Sec. 32, T. 10 N., R. 30 E., which will run in a southerly direction along the stream for 4 miles or more and will carry the water around a particularly porous part of the creek channel. This canal will have a bottom width of about 18 feet and will carry water to a depth of about $1\frac{1}{2}$ feet. As the grade will be quite heavy the capacity of the canal will amount to 125 second-feet which is as much as the creek usually carries. Another diversion is to be made from the stream in Sec. 3, T. 8 N., R. 30 E., which will be the main canal for distributing water to and over the land in the project. It is probable also that in case it is found warranted after further investigation that all of the water for the project may be taken out of the stream at the upper diversion and carried in a constructed canal down the entire distance to the main canal diverting at the lower diversion. The main distributing canal is to have a bottom width of about 18 feet and will carry water to a depth of about $1\frac{1}{2}$ feet. As it will have a strong grade, the capacity will be about 125 second-feet. This size will remain until the water is taken out of the main canal by laterals for distribution over the land after which the size will be gradually reduced as additional diversions are made. Suitable laterals will then be run to conduct water to and over the land in the project. As the land lies very regular with a strong slope to the east it will be a relatively simple matter to distribute water to all portions of the project.

Aside from the dam construction, the work on the entire system will be of the simplest kind, there being no rock or difficult excavation of any kind involved. The whole idea in building this system is to keep the canals in fill most of the way so that the surface soil will not be disturbed and so that seepage losses will therefore be at a minimum. Practically all of the country to be crossed by the proposed system is underlain with an impervious hard pan which if left undisturbed should prevent any serious or undue transmission losses. The estimated cost of

the proposed system will be about \$28 per acre for 10,000 acres or \$280,000. This appears to be a reasonable estimate although the lack of detailed data prevents any accurate idea as to what the different portions of the work will cost. At any rate it can be said that the value of the land, when irrigated, will undoubtedly warrant an expenditure of considerable more than \$28 per acre if necessary.

During the years of 1910, 1911, and 1912 the Birch Creek Irrigation Company spent about \$35,000 upon the proposed irrigation works which, however, are now in a bad state of repair having been allowed to lie idle for some 8 or 9 years and the greater part of which will have to be practically done over again. It was found by tests that in actually diverting water from the canals at that time that approximately 40 per cent of the water flowing in Birch Creek was lost in the portion of the channel below the upper diversion and a point some $4\frac{1}{2}$ miles down the stream therefrom.

In view of the fact that the proposed reservoir is to be located in the channel of Birch Creek and above practically all diversion the examiner states that seepage losses therein will no doubt find their way back into the stream and will not, therefore, be of great consequence. After the water is once diverted from the channel of Birch Creek the losses in the distributing system should be fairly low particularly for the type of construction contemplated. In view also of the possibility of the district being able to secure a substantial amount of the direct flow by saving seepage losses in the creek channel which water will help counteract losses in the reclamation system itself, the examiner states that it seems very reasonable to assume that the total losses in the entire system by evaporation or otherwise would not exceed $33\frac{1}{3}$ per cent of the total amount of water stored in the reservoir.

It is proposed by the district to provide $2\frac{1}{2}$ acre-feet of water per acre which with only a 30 per cent loss as allowed by the engineers of the district would amount to 2 acre-feet per acre on the land. With a $33\frac{1}{3}$ per cent loss as allowed by the examiner the amount of water would allow $2\frac{1}{2}$ acre-feet per acre in the reservoir and approximately $1\frac{3}{4}$ acre-feet on the land, which amount of water will be sufficient for the maturing of good crops inasmuch as crops in this locality can be produced with as little as $1\frac{1}{2}$ acre-feet per acre, and certainly with $1\frac{3}{4}$ acre-feet per acre.

RECOMMENDATION.

After carefully considering all matters in connection with the proposed project the examiner was of the opinion that the prospects of the district being able to carry out its plans in a practical and efficient manner are good and, therefore, recommended that applications to make desert-land entries and annual proofs alleging expenditures to said district be accepted, and that extensions of time be granted when it is shown that the total area of the district does not exceed 10,000 acres of land. He also recommends that applications for relief

be rejected in view of the fact that there is a reasonable prospect of getting water from the district and that action on final proofs be suspended until such time as the district has completed its irrigation system.

GEOLOGICAL SURVEY REPORT.

Under date of September 22, 1921, the Geological Survey reported, in reply to a letter of this office dated April 23, 1921, in part as follows:

"No data are available regarding the amount of water which can be conserved for the benefit of this project by reducing seepage losses in Birch Creek channel. The only stream flow records available are those set forth in the mineral examiner's report. These records indicate a nonirrigation season run-off of sufficient magnitude to warrant the construction of the proposed reservoir.

The conclusion of your mineral examiner in this case indicates that at least 30,000 acre-feet of water per annum will be available for this project under normal conditions and that about two acre-feet per acre can be delivered to the project land, which will provide a water supply adequate for fairly complete irrigation of the land. This conclusion is regarded as conservative by Geological Survey engineers, provided the proposed reservoir site is practicable of construction and capable of storing the winter flow of Birch Creek without excessive seepage losses."

CONCLUSION.

In view of all the facts set forth above and as it appears that there are a considerable number of desert-land applications now pending before this office filed in furtherance of the proposed plans of the project as set forth in the report and the various agreements herein considered, it is believed that this office is justified at the present time in approving the district to the extent of accepting annual proofs based upon expenditures made to the district but that until a further investigation can be made at the time of submitting final proof for the purpose of determining the feasibility of the completed plans of the district, no action looking to the acceptance of final proofs should be taken. It is also believed that in approving the district to the extent mentioned such approval should be in such form as to prevent the district from increasing the area to be irrigated to more than 10,000 acres of land in the absence of a greater water supply than that shown in the report. You are, therefore, instructed as follows:

1. You will accept annual proofs on desert-land entries embracing lands within the boundaries of the district where expenditures are alleged to have been made for the payment of assessments and taxes levied by the district provided such expenditures were made in cash and the lands are irrigable from the canals of the project, and

provided further, that the entrymen furnish evidence showing that the area proposed to be irrigated by the district has not been increased to more than 10,000 acres of land.

Under the foregoing instructions payments made by desert-land entrymen to the district, pursuant to the formal contract above referred to as being entered into by and between the district and the prospective desert-land entrymen, will be acceptable but the fact of such expenditures must be shown by annual proofs submitted by the entrymen themselves and not as provided in the contract by the district acting on behalf of the entrymen.

2. In regard to accepting final proofs on desert-land entries, this office is not in a position to render a decision at this time. Such decision will be reserved until a further investigation can be made at the time of submitting final proof. You will, upon the filing of any final proof in which the district is alleged as a source of water supply suspend the same pending field investigation and the Chief of Field Division will, without further instructions from this office, cause such investigation to be made and appropriate report to be submitted.

It should be understood that in order to complete title under a desert-land entry the best possible evidence or a district's water right should be furnished by the entryman of the district at the time of final proof. Evidence should, therefore, be furnished which would show a complete chain of title to the water rights relied upon by the district. This evidence may be furnished in the form of a duly certified abstract of title and if furnished by one claimant any others may make reference to the record with which it is filed thus avoiding the necessity of filing duplicate papers.

If any desert-land entryman or if the district should furnish evidence showing that the said district has procured an additional water supply and that its system has been so enlarged and extended as to provide for the irrigation of additional lands, the case will be reconsidered with a view of modifying the conclusions herein reached to the extent found necessary.

3. Should any desert-land claimant submit an annual or final proof claiming a water right in the Birch Creek Irrigation Company, you will serve upon him a copy of this letter or notify him of the contents hereof, and allow him an opportunity to furnish evidence of expenditures for or ownership of a water right from the Twin Buttes Irrigation District by reason of the fact that the lands embraced in his entry have been included within the boundaries of said district or evidence of some other expenditure or water right as the case may be, or to appeal or in case he desires to dispute the correctness of the conclusions herein reached to file affidavits in duplicate, setting forth facts opposed to such conclusions and to apply for a hearing. Should such a showing be made you will transmit one copy to the Chief of Field Division and attach the other to the record to be forwarded

to this office with your regular returns. The former instructions with regard to the Birch Creek Irrigation Company are, accordingly, hereby modified.

4. Applications for relief, applications for extensions of time, and applications to make new desert-land entries, if any are filed, alleging this district as a source of water supply, will be treated by you in the manner prescribed by Circulars Nos. 490, 532, and 383, respectively.

A copy of this letter is herewith inclosed for the information of the district.

Very respectfully,

(Signed) WM. SPRY,

Commissioner.

ALASKA HOMESTEAD MINERAL RESERVATION IN PATENT.

DEPARTMENT OF THE INTERIOR

Washington

May 21, 1924.

The Commissioner of the

General Land Office.

Dear Mr. Commissioner:

You have informally submitted to the Department the homestead entry of Fred H. Smith (Anchorage 05028), embracing NE. $\frac{1}{4}$, Sec. 29, T. 13 N., R. 3 W., S. M., Alaska, under which final cash certificate issued February 11, 1924.

When the application to make the entry was filed there was pending an application for a permit under section 13 of the act of February 25, 1920 (41 Stat., 437), to prospect for oil and gas upon the land. Because thereof, Smith later filed his consent to the amendment of the application to state that it was made in accordance with and subject to the provisions and reservations of the act of March 8, 1922 (42 Stat., 415), as to oil and gas.

The land is not embraced in any withdrawal or reservation, hence you desire instructions as to whether the patent should contain a reservation as to any mineral other than oil and gas.

Paragraph 3 of the regulations (Circular No. 842) of July 31, 1922 (49 L. D., 196), under the act of March 8, 1922, supra, provides that there will be incorporated in patents issued to homestead claimants under the latter act the following:

Excepting and reserving, however, to the United States all the coal, oil, or gas in the lands so patented, and to it or persons authorized by it, the right to prospect for, mine, and remove such deposits from the same upon compliance with the conditions and subject to the provisions and limitations of the act of March 8, 1922 (Public No. 165).

The said act of 1922 applies to public lands in Alaska "known to contain workable coal, oil, or gas deposits, or that may be valuable for the coal, oil, or gas contained therein, and which are not otherwise reserved or withdrawn."

The debates in Congress when the legislation was under discussion leave no doubt that it was intended to provide for the reservation of only the mineral (coal or oil and gas) for which the land was reported or believed to be valuable; and this intention is manifest from the reservation of "coal, oil or gas"--"or" having been used in its ordinary meaning of making an alternative.

The form of reservation to be inserted in patents is therefore amended to read as follows:

"Excepting and reserving, however, to the United States all the deposit on account of which the lands are withdrawn, classified, or reported to be valuable--coal or oil and gas, as the case may be/ in the lands so patented, and to it, or persons authorized by it, the right to prospect for, mine, and remove such deposits from the same upon compliance with the conditions and subject to the provisions and limitations of the act of March 8, 1922 (42 Stat., 415).

Very truly yours,

E. C. FINNEY,

First Assistant Secretary.

RIGHTS OF SETTLERS TO MINERAL DEPOSITS PURSUANT TO OIL LEASING ACT.

DEPARTMENT OF THE INTERIOR

General Land Office

Washington

April 28, 1924.

Registers and Receivers,

United States Land Offices.

Gentlemen:

In a recent decision, the Department held that a settler upon the public domain prior to the passage of the leasing act, where the lands involved were not, at time of settlement, withdrawn or classified as valuable for oil and gas deposits, is entitled, under certain conditions, to a preference right to a permit to prospect for oil and gas, pursuant to section 20 of the leasing act, for the lands settled upon.

The following statements and regulations are hereby made to govern future action in cases of this kind:

1. No preference right can be accorded a settler who made his settlement on or after February 25, 1920 (see Charles R. Haupt, 48 L. D., 355), nor to one whose settlement was for lands withdrawn or classified as valuable for oil or gas deposits.

2. In order to be entitled to a preference right, the settler must have, at the time the lands were withdrawn, classified or reported as valuable for oil or gas, done everything possible under the nonmineral land laws toward making entry. If the lands were subject to entry at that time, and were not entered by him, the settler does not acquire any preference by later making application to enter said lands. Ada Fletcher (49 L. D., 204).

3. A preference right may be exercised by a settler on lands subject to settlement although he has not made entry, if said failure is due to the fact that the lands are not open to entry under the homestead laws. In such case he will, upon the withdrawal, classification or report that the lands are valuable for minerals, be required to file an election to make entry, when the lands become subject thereto, with a reservation of the oil and gas deposits to the United States in accordance with the act of July 17, 1914 (38 Stat., 509).

4. In cases where the prospective oil and gas value of unsurveyed lands or lands suspended for survey upon which there is a valid settlement is brought to the attention of the Land Department by an applicant for a permit under section 13 of the leasing act, the procedure directed in section 12 (c) of the leasing regulations, approved March 11, 1920 (47 L. D., 437), will be followed, and the mineral waiver above described will be required. Newton v. Flesher (unreported), decided March 31, 1922, and departmental letter dated December 7, 1922, in re: Flora A. Kable.

5. Every applicant for permit for unsurveyed lands or lands, which though subject to settlement, are not subject to entry, must state in his application or show by affidavit of a credible witness, that there are no settlers upon the land, or if there be settlers, give the name and post-office address of each and a description of the lands claimed, by metes and bounds and approximate legal subdivisions, if unsurveyed. Upon receipt of an application which shows that there are settlers on the land included therein, you will serve notice by registered mail on each settler that an application for permit has been filed and allow him 30 days from notice within which to file a full statement of the facts of his settlement claim, and any objection he has to the issuance of the permit and to state whether he will claim a preference right to a permit to prospect the land if he be found entitled thereto. If no objection be filed in response to such notice the application for permit will be considered without regard to the claim of such settler, except that a bond will be required in proper cases as security for damage to the settler's crops and improvements. Such settler will be required, when he makes entry for the land, to file consent to a reservation of the oil and gas to the United States, unless the permit has been canceled.

If the settler files objection to the issuance of the permit and shows that he has a valid settlement claim, the procedure will be as follows:

a. If the lands have not been withdrawn or classified as valuable for oil and gas deposits, the General Land Office will proceed as indicated in section 4 of these regulations.

b. If, however, the lands have already been withdrawn or classified as mineral, the General Land Office will proceed in accordance with section 3 hereof.

6. Where settlement has preceded the filing of an application for a prospecting permit, and no preference right is claimed or exists in the settler, the applicant for permit will be required to furnish a bond in the sum of \$2,000, as security for damage to his crops and improvements, as in the case of applications or entries made pursuant to the act of July 17, 1914 (38 Stat., 509).

7. Any permits issued pursuant to representations by the applicants that there are no settlers on the land, are and will be issued subject to the rights of any settlers upon the land at the time the application was filed; and the claims of said settlers are hereby declared to be of the class covered by the term "valid rights" in the general excepting clause in each permit, which reads, "valid rights existing at the date of this permit will not be affected hereby."

You will examine all applications hereafter presented and require compliance with the requirements hereof, during the 30-day period of suspension prescribed in section 4 of the general regulations approved March 11, 1920, Circular No. 672 (47 L. D., 437).

Please secure the widest publicity possible, without expense to the Government, for these regulations.

Respectfully,

Approved: April 28, 1924.

E. C. FINNEY,

First Assistant Secretary.

WILLIAM SPRY,

Commissioner.

AMENDED REGULATIONS RELATING TO ACCEPTABLE
EXPENDITURES ON DESERT-LAND ENTRIES.

DEPARTMENT OF THE INTERIOR
General Land Office
Washington

April 26, 1924.

Registers and Receivers,
United States Land Offices:

Sirs:

Section 18 of Circular No. 474 in relation to acceptable expenditures for the reclamation of desert lands is hereby amended by adding thereto the following paragraphs:

The value to be attached to and the credit to be given for, an expenditure for works or improvements is the reasonable value of the work done, or improvement placed upon the land, according to the market price therefor, or for similar work or improvements, prevailing in the vicinity; and not the amount alleged by a claimant to have been expended, nor the mere proof of expenditures, as exhibited by checks or other vouchers (Bradley v. Vasold, 36 L. D., 106).

Expenditures for the clearing of the land will not receive credit in cases where the vegetation or brush claimed to have been cleared away has not been actually removed by the roots. Therefore, expenditures for clearing, where as a matter of fact there has been only crushing, or rolling, or what is known in some localities as "railing" the land, will not be accepted.

You will give all possible publicity to this amendment of the regulations, and in examining annual proofs, and also final proofs in cases where final proofs have been submitted without the prior submission of annual proofs, you will carefully scrutinize such proofs with a view to determining whether the value of expenditures claimed is in accord with the true value of the work done or expenditures made, and also whether the clearing claimed to have been performed conforms to the requirements of the second paragraph of the amended regulations.

Very respectfully,

WILLIAM SPRY,

Approved: April 26, 1924.

Commissioner.

E. C. FINNEY,

First Assistant Secretary.

SALE OF SILETZ INDIAN LANDS.

DEPARTMENT OF THE INTERIOR
General Land Office
Washington

May 12, 1924.

The Commissioner
of the General Land Office.

My dear Mr. Commissioner:

Pursuant to the authority contained in section 1 of the act of May 13, 1910 (36 Stat., 367), you are hereby directed to sell at public auction the unsold land reserved under the provisions of article 4 of the agreement concluded with the Indians of the Siletz Reservation on October 31, 1892, and ratified by act of August 15, 1894 (28 Stat., 325), viz: S $\frac{1}{2}$ Sec. 8, N $\frac{1}{2}$ Sec. 17, all Sec. 16, T. 9 S., R. 9 W.; E $\frac{1}{2}$ NE $\frac{1}{4}$, Lot 3, Sec. 20, S $\frac{1}{2}$, S $\frac{1}{2}$ N $\frac{1}{2}$, Sec. 21, T. 8 S., R. 10 W., and all of Sec. 9, T. 9 S., R. 11 W.

These lands were all examined by a timber cruiser in the year of 1912 with a view to determining the amount of timber on each legal subdivision as well as the reasonable value thereof at that time and the logging situation.

Timber Estimates and Lands to be Sold:--The results of this examination are set forth in the following statement which gives in addition to the amount of timber on each legal subdivision the value of the timber by sections and the value of the land computed on the basis of \$1.25 per acre.

Section	Acres.	Douglas Fir M. Ft.	Hemlock M. Ft.	Cedar M. Ft.	Total M. Ft.
8, T. 9 S., R. 9 W.					
NE $\frac{1}{4}$ SW $\frac{1}{4}$,	40.00	2,000	400	150	2,550
NW $\frac{1}{4}$ SW $\frac{1}{4}$,	40.00	1,950	230	710	2,890
Lot 1,	41.65	3,050	300	500	3,850
Lot 2,	44.95	1,650	200	1,000	2,850
NE $\frac{1}{4}$ SE $\frac{1}{4}$,	40.00	200	500	500	1,200
NW $\frac{1}{4}$ SE $\frac{1}{4}$,	40.00	3,150	450	150	3,750
Lot 3,	48.25	2,500	450	600	3,550
Lot 4,	51.55	3,150	250	600	4,000
Totals,	346.40	17,650	2,780	4,210	24,640

Fir, good quality, well timbered. Cedar, medium size, was injured at old fire and of low value. Hemlock very defective, value nominal. Logging chance fair, in connection with heavy timber adjoining on the north.

Section	Acres.	Douglas Fir M. Ft.	Sapling Fir M. Ft.	Hemlock M. Ft.	Cedar M. Ft.	Total M. Ft.
16, T. 9 S., R. 9 W.						
NE $\frac{1}{4}$ NE $\frac{1}{4}$,	40.00	600	400	200	300	1,500
NW $\frac{1}{4}$ NE $\frac{1}{4}$,	40.00	600	500	300	---	1,400
SW $\frac{1}{4}$ NE $\frac{1}{4}$,	40.00	80	200	---	200	480
SE $\frac{1}{4}$ NE $\frac{1}{4}$,	40.00	100	100	---	200	400
NE $\frac{1}{4}$ NW $\frac{1}{4}$,	40.00	800	300	300	---	1,400
Lot 1,	35.56	800	200	100	300	1,400
Lot 2,	33.75	50	200	---	200	450

Section	Acres.	Douglas Fir M. Ft.	Sapling Fir M. Ft.	Hemlock M. Ft.	Cedar M. Ft.	Total M. Ft.
16, T. 9 S., R. 9 W.						
SE $\frac{1}{4}$ NW $\frac{1}{4}$,	40.00	160	200	---	100	460
NE $\frac{1}{4}$ SW $\frac{1}{4}$,	40.00	20	100	---	100	220
Lot 3,	33.83	100	50	---	40	190
Lot 4,	45.09	---	500	---	250	750
Lot 5,	52.31	---	250	---	200	450
NE $\frac{1}{4}$ SE $\frac{1}{4}$,	40.00	100	100	---	300	500
NW $\frac{1}{4}$ SE $\frac{1}{4}$,	40.00	40	100	---	200	340
Lot 6,	51.39	---	250	---	250	500
Lot 7,	50.46	60	200	---	200	460
Totals,	662.39	3,510	3,650	900	2,840	10,900

The valuable mature pine is confined mostly to a strip along the north boundary. Cedar, mostly along river, very defective. Sapling fir along south side of river. Interior of section has little value for timber, being steep "breaks". Logging chance fair, with timber to north; will log by chute to river. Section contains good power site.

Section	Acres.	Douglas Fir M. Ft.	Sapling Fir M. Ft.	Hemlock M. Ft.	Cedar M. Ft.	Total M. Ft.
17, T. 9 S., R. 9 W.						
NE $\frac{1}{4}$ NE $\frac{1}{4}$,	40.00	600	300	---	50	950
NW $\frac{1}{4}$ NE $\frac{1}{4}$,	40.00	250	200	100	300	850
SW $\frac{1}{4}$ NE $\frac{1}{4}$,	40.00	200	200	---	250	650
SE $\frac{1}{4}$ NE $\frac{1}{4}$,	40.00	100	200	---	50	350
NE $\frac{1}{4}$ NW $\frac{1}{4}$,	40.00	250	200	250	50	750
NW $\frac{1}{4}$ NW $\frac{1}{4}$,	40.00	3,000	100	250	300	3,650
SW $\frac{1}{4}$ NW $\frac{1}{4}$,	40.00	2,250	---	500	---	2,750
SE $\frac{1}{4}$ NW $\frac{1}{4}$,	40.00	300	300	150	150	900
Totals,	320.00	6,950	1,500	1,250	1,150	10,850

Fir, good quality, well timbered on W $\frac{1}{2}$ NW $\frac{1}{4}$. Cedar, medium size, of low value. Hemlock, defective, value nominal. Sapling fir worth as much or more than old growth. Logging chance fair, in connection with heavy body of timber to the north.

Section	Acres.	Douglas Fir M. Ft.	Spruce M. Ft.	Hemlock M. Ft.	Sapling Fir M. Ft.	Sapling Hemlock M. Ft.	Total M. Ft.
20, T. 8 S., R. 10 W.							
NE $\frac{1}{4}$ NE $\frac{1}{4}$,	40.00	700	---	200	400	400	1,700
SE $\frac{1}{4}$ NE $\frac{1}{4}$,	40.00	1,850	150	600	300	100	3,000
Lot 3,	37.26	1,800	100	500	---	---	2,400
Totals,	117.26	4,350	250	1,300	700	500	7,100

Fir good. Cedar and hemlock defective; cedar, medium size. Spruce, medium. Hemlock bulky, but defective. Railroad and river logging; can be logged direct to river with donkey engine.

Section		Acres.	Douglas Fir M. Ft.	Spruce M. Ft.	Hemlock M. Ft.	Cedar M. Ft.	Total M. Ft.
21, T. 8 S., R. 10 W.							
SW $\frac{1}{4}$ NE $\frac{1}{4}$,		40.00	1,200	50	200	230	1,680
SE $\frac{1}{4}$ NE $\frac{1}{4}$,		40.00	2,950	100	600	---	3,650
Lot 2,		51.53	300	50	300	---	*1,650
SE $\frac{1}{4}$ NW $\frac{1}{4}$,		40.00	1,750	150	600	---	2,500
NE $\frac{1}{4}$ SW $\frac{1}{4}$,		40.00	1,600	150	500	100	2,350
Lot 3,		50.67	2,400	100	600	---	3,100
Lot 4,		49.82	1,500	100	1,000	---	2,600
SE $\frac{1}{4}$ SW $\frac{1}{4}$,		40.00	1,200	120	600	---	1,920
NE $\frac{1}{4}$ SE $\frac{1}{4}$,		40.00	1,050	50	430	250	1,780
NW $\frac{1}{4}$ SE $\frac{1}{4}$,		40.00	600	170	500	320	1,590
SW $\frac{1}{4}$ SE $\frac{1}{4}$,		40.00	1,000	150	600	200	1,950
SE $\frac{1}{4}$ SE $\frac{1}{4}$,		40.00	2,200	100	600	200	3,100
Totals,		512.02	17,750	1,290	6,530	1,300	27,870

* Includes 700 M. Ft. Sapling Fir and 300 M. Ft. Sapling Hemlock. Fir, good. Cedar and hemlock defective. Cedar medium size. Spruce, medium. Railroad logging feasible, but expensive.

Section		Acres.	Douglas Fir M. Ft.	Spruce M. Ft.	Hemlock M. Ft.	Cedar M. Ft.	Total M. Ft.
9, T. 9 S., R. 11 W.							
NE $\frac{1}{4}$ NE $\frac{1}{4}$,		40.00	---	250	470	470	1,190
NW $\frac{1}{4}$ NE $\frac{1}{4}$,		40.00	---	550	500	300	1,350
SW $\frac{1}{4}$ NE $\frac{1}{4}$,		40.00	---	220	300	110	630
SE $\frac{1}{4}$ NE $\frac{1}{4}$,		40.00	---	500	600	150	1,250
NE $\frac{1}{4}$ NW $\frac{1}{4}$,		40.00	---	400	650	1,500	2,550
NW $\frac{1}{4}$ NW $\frac{1}{4}$,		40.00	---	400	400	1,600	2,400
SW $\frac{1}{4}$ NW $\frac{1}{4}$,		40.00	---	310	500	1,900	2,710
SE $\frac{1}{4}$ NW $\frac{1}{4}$,		40.00	---	400	1,000	800	2,200
NE $\frac{1}{4}$ SW $\frac{1}{4}$,		40.00	---	900	750	40	1,690
NW $\frac{1}{4}$ SW $\frac{1}{4}$,		40.00	---	200	100	1,000	1,300
SW $\frac{1}{4}$ SW $\frac{1}{4}$,		40.00	---	200	100	1,000	1,300
SE $\frac{1}{4}$ SW $\frac{1}{4}$,		40.00	---	600	600	500	1,700
NE $\frac{1}{4}$ SE $\frac{1}{4}$,		40.00	20	500	1,000	---	1,520
NW $\frac{1}{4}$ SE $\frac{1}{4}$,		40.00	---	100	1,200	---	1,300
SW $\frac{1}{4}$ SE $\frac{1}{4}$,		40.00	---	500	900	40	1,440
SE $\frac{1}{4}$ SE $\frac{1}{4}$,		40.00	40	400	1,200	100	1,740
Totals,		640.00	60	6,430	10,270	9,510	25,270

Surface very broken. Spruce very large and defective; estimate 50 per cent of bulk. Cedar; huge trees, rotten in center. Hemlock very defective; estimate light compared with bulk. Fir very large and remarkably sound for old timber. Logging costly.

Timber and Land Values:--The statement below shows by sections the amount of timber found by said cruiser and also the minimum value thereof, which has been placed at \$1.50 per thousand feet, for fir and spruce, and \$1.00 per thousand feet for cedar and hemlock, and the minimum value of the land, computed at \$1.25 per acre, as well as the combined value of the land and timber:

Section	Douglas	Spruce	Hemlock	Cedar	Sapling	Sapling
	Fir				Fir	Hemlock
	M. Ft.	M. Ft.	M. Ft.	M. Ft.	M. Ft.	M. Ft.
8, T. 9 S., R. 9 W.	17,650	---	2,780	4,210	---	---
16, T. 9 S., R. 9 W.	3,510	---	900	2,840	3,650	---
17, T. 9 S., R. 9 W.	6,950	---	1,250	1,150	1,500	---
20, T. 8 S., R. 10 W.	4,350	250	1,300	---	700	500
21, T. 8 S., R. 10 W.	17,750	1,290	6,530	1,300	700	300
9, T. 9 S., R. 11 W.	60	6,430	10,270	9,510	---	---
Grand Totals,	50,270	7,970	23,030	19,010	6,550	800

Section	Timber	Minimum	Acres.	Minimum	Total
	Totals	price of		price of	Minimum
	M. Ft.	Timber.		land.	Price.
8, T. 9 S., R. 9 W.	24,640	\$33,460	346.40	\$433.00	\$33,898.00
16, T. 9 S., R. 9 W.	10,900	14,480	662.39	827.99	15,307.99
17, T. 9 S., R. 9 W.	10,850	15,075	320.00	400.00	15,475.00
20, T. 8 S., R. 10 W.	7,100	9,750	117.26	146.58	9,896.58
21, T. 8 S., R. 10 W.	27,870	37,740	512.02	640.03	38,380.03
9, T. 9 S., R. 11 W.	26,270	29,515	640.00	800.00	30,315.00
Grand Totals,	107,630	\$140,025	2,598.07	\$3,247.60	\$143,272.60

Time and Place of Sale:--The sale will take place at the United States land office at Portland, Oregon, commencing at 10 o'clock a. m., August 18, 1924.

Size of Tracts:--The lands will be sold by sections, in the order in which they appear above, but the Superintendent of the sale may sell the entire tract in one body, or he may sell the lands by smallest legal subdivision, if he deems such course more advantageous to the Indians.

Terms and Conditions of Sale:--No tract or section will be sold for less than the appraised price of the land and timber combined, and the Superintendent of sale may in his discretion increase the appraised price of the land or timber or both in any section or sections or portions thereof, or he may reduce the appraised price thereof.

Payments:--Each purchaser will be required to pay to the Receiver of the United States land office at Portland, before 12 o'clock on the day following the day of sale at least one-third of the total amount of the purchase price of the land and timber bought by him, and within one year thereafter at least one-sixth additional of the purchase price. Additional time, not exceeding three years, to pay the remaining one-half of the purchase price, or a portion thereof, will be granted upon payment in advance each year of five per cent interest on the portion of the purchase price, payment for which is to be deferred. In case, however, the purchaser desires to cut the timber on any tract or section he will be required to make full payment for such tract or section, on the basis of the cruise given above, and the prices bid by him, before cutting the timber.

Forfeitures:--If a person to whom a tract or section has been sold fails to promptly make payment of one-third of the purchase price, the land and timber will be again offered for sale, and he will no longer be recognized at the sale.

Any person failing to pay an additional one-sixth of the purchase price within one year of the date of sale, or to secure an extension of time of the remainder thereof, by paying in advance the interest mentioned above, will render his purchase liable to cancellation, and the land and timber, as well as the money already paid, liable to forfeiture.

Qualifications of Purchasers:--Purchasers will not be required to show any qualifications as to age, citizenship, or otherwise; nor to reside upon, improve, or cultivate the lands sold them. Bids and payments may be made either through agents or in person, but no bids can be made through the mails or at any time or place other than the time and place at which said tracts are offered for sale. No limit is placed upon the amount of land and timber any one person may purchase.

Superintendent of Sale:--The officer conducting the sale may make such additional rules, not in conflict herewith, as the exigencies may require, and he may at any time suspend or indefinitely postpone the sale or adjourn it to such time and place as he may deem advisable, and he may reject any and all bids which, in his opinion are less than the actual cash value at which any of the lands offered should be sold.

Combinations in Restraint of Sale:--All persons are warned against entering into any agreement, combination or conspiracy which will prevent any of said lands from selling advantageously, and all persons so offending will be prosecuted under Section 59 of the Penal Laws of the United States, which reads as follows:

"Whoever, before or at the time of the public sale of any of the lands of the United States, shall bargain, contract, or agree, or attempt to bargain, contract, or agree with any other person, that the last-named person shall not bid upon or purchase the land so offered for sale, or any parcel thereof; or whoever by intimidation, combination, or unfair management, shall hinder or prevent or attempt to hinder or prevent any person from bidding upon or purchasing any tract of land so offered for sale, shall be fined not more than one thousand dollars, or imprisoned not more than two years, or both."

Very truly yours,

E. C. FINNEY,

First Assistant Secretary.

NOTICES OF FILING OF PLATS AND OPENING OF LANDS TO ENTRY.

DEPARTMENT OF THE INTERIOR

General Land Office

Washington

May 14, 1924.

Registers and Receivers,
United States Land Offices.

Gentlemen:

Hereafter, in giving public notice relative to:

(a) The official filing of plats of surveys under the requirements of circular of October 21, 1885 (4 L. D., 202), as amended by circular No. 527 of February 6, 1917 (45 L. D., 648);

(b) The opening of public or Indian lands to entry, or the restoration to entry of public lands in accordance with the provisions of circular No. 822 of May 1, 1922, relative to preference right of soldiers, sailors, and marines of the late war, or

(c) Where lands are in any manner to be made subject to entry, selection, appropriation, or disposal through the issuance of a public notice,

you will, in addition to observing the existing requirements, send a copy of your notice to the United States Surveyor General and Chief of Field Division in whose districts the lands are situated, and to the Commissioner of the General Land Office.

The Surveyor General and Chief of Field Division will not only assist in disseminating the information thus received, but will also make appropriate use thereof in the discharge of their respective duties as occasion may require.

The foregoing will not relieve registers and receivers from reporting on Form 4-352 when plats of surveys are officially filed in their offices.

Very respectfully,

WILLIAM SPRY,

Commissioner.

Circular No. 936.
PHOSPHATE REGULATIONS AMENDED.

DEPARTMENT OF THE INTERIOR
General Land Office
Washington

May 23, 1924.

Registers and Receivers,

United States Land Offices.

Gentlemen:

In departmental decision of May 3, 1924, in the case of Reginald C. Willis, Missoula 09035, paragraphs 4 and 5 of the regulations concerning phosphate leases and use permits, under the act of February 25, 1920 (41 Stat., 437), contained in Circular No. 696, were amended to read as follows:

4. Minimum development. (a) An actual bona fide expenditure for mine operations, development, or improvement purposes of the amount determined by the Secretary of the Interior will be a condition in each lease as the minimum basis on which each lease will be granted, with the requirement that not less than one-third of such proposed investment shall be expended in development of the mine during the first year, and a like amount each year for the two succeeding years, the investment during any one year over such proportionate amount for that year to be credited on the expenditure required for the ensuing year or years.

(b) Where, however, the lands involved are in an unproven territory, the portion of the total minimum investment required to be made during the first few years of the lease will be fixed in such amounts as the circumstances in each case require.

(c) A bond in the sum of \$5,000 executed by the lessee with approved corporate surety and conditioned upon the making of the minimum investment required and upon compliance with the terms of the lease will be required.

Sec. 5 of the regulations is amended by the addition of the following:

"But in a case where the lands are in an unproven territory, the minimum production requirement may be made to begin at such time and to run for such periods as the Secretary may find warranted."

Very respectfully,

WILLIAM SPRY,

Approved: May 23, 1924.

Commissioner.

E. C. FINNEY,

First Assistant Secretary.

Circular No. 939.
AMENDMENT OF CIRCULAR NO. 929 - RELATING TO NOTATION OF
CANCELLATION OF OIL AND GAS PERMITS.

DEPARTMENT OF THE INTERIOR
General Land Office
Washington

May 28, 1924.

Register and Receiver,
United States Land Offices.
Gentlemen:

The second paragraph of Circular No. 929, dated April 23, 1924, relating to filing oil and gas applications for lands embraced in a canceled permit, is hereby amended by adding thereto the following:

However, where application is filed by the former permittee, such application must be accompanied by an agreement to furnish bond in the sum of \$1000, conditioned as security that drilling operations will be commenced within six months from the date of issuance of said permit and for compliance with the remaining drilling requirements of such permit. This bond is to be in addition to the bond required by the regulations in other cases. In case the former permittee is successful at the drawing, his application and that of the party next in order in the drawing will be suspended for 15 days, within which time the bond herein required must be furnished by the successful applicant. In case he fails to furnish said additional bond within this period, his application will be rejected, and that of the remaining applicant forwarded for consideration in due course.

Where it appears that the former permittee has associated himself with others who are successful in the drawing, or is a stockholder in a corporation which acquires priorities at the drawing, such fact will not require the suspension of said application nor the furnishing of a bond as above required, although such requirement may be made by this office where it appears that the control of the permit will be in the hands of the former permittee.

Attach a copy hereof to all copies of Circular No. 929 you may have.

Very respectfully,

WILLIAM SPRY,

Commissioner.

Approved: May 28, 1924.

E. C. FINNEY,

First Assistant Secretary.

(7594)

DEPARTMENT OF THE INTERIOR
General Land Office
Washington

1078291

PUBLIC LANDS RESTORED TO HOMESTEAD ENTRY AND OTHER DISPOSITION
BY PROCLAMATION, EXECUTIVE OR DEPARTMENTAL ORDER.

Preference Rights to Ex-Service Men of the War with Germany.

General Method of Opening:

By virtue of Public Resolution No. 29, of February 14, 1920 (41 Stat., 434), as amended by Public Resolutions Nos. 36 and 79, approved January 21 and December 28, 1922, respectively, hereafter and until February 15, 1930, when any surveyed lands within the provisions of the public resolutions are opened or restored to disposition under the authority of the Department, such lands, unless otherwise provided in the order of restoration, shall become subject to appropriation under the laws applicable thereto in the following manner, and not otherwise:

Lands not affected by the preference rights conferred by the acts of August 18, 1894 (28 Stat., 394), or June 11, 1906 (34 Stat., 233), or February 14, 1920 (41 Stat., 407), will be subject to entry by soldiers under the homestead and desert-land laws, where both of said laws are applicable, or under the homestead law only, as the case may be, for a period of 91 days, beginning with the date of the filing of the township plat in the case of surveys or resurveys, and with the date specified in the order of restoration in all other cases, and thereafter to disposition under all of the public land laws, applicable thereto, except where homestead entrymen are granted a prior preference period under the order. For a period of 20 days and for a like period prior to the date or dates such lands become subject to entry by the general public, soldiers in the first instance, and any qualified applicants in the second, may execute and file their applications, and all such applications presented within such 20-day periods, together with those offered at 9 o'clock a. m., standard time, on the dates such lands become subject to appropriation under such applications, shall be treated as filed simultaneously.

Unsurveyed lands are not subject to homestead or desert-land entry. A homestead entry may embrace 160 acres, or an approximation thereof, and where the lands are of the character contemplated by the 320 or 640 acres homestead acts, applications for the unappropriated lands may be filed by qualified persons, under either of said acts; accompanied by proper petitions, if undesignated, for the designation of lands thereunder, and such applications will be suspended pending determination as to the character of such lands.

The following are restorations or openings which will occur in the near future and concerning which further information may be obtained from the local offices:

FROM RANGER STATION WITHDRAWAL.

(428)

IDAHO:

Three hundred twenty acres in Fremont, Blaine, and Custer counties, Blackfoot and Hailey land districts, open to entry under the homestead and desert-land laws by ex-service men of the war with Germany for a period of ninety-one days, beginning June 17, 1924. Filings may be presented at any time during the twenty days prior to that date. On and after September 16, 1924, any of such lands remaining unentered will be subject to appropriation under any public land law applicable thereto by the general public. The land is released from ranger station withdrawal.

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FROM DRIVEWAY WITHDRAWAL.

(429)

COLORADO:

Twenty thousand three hundred thirty acres in Garfield, Moffat and Rio Blanco counties, in Glenwood Springs land district, open to entry only by ex-service men of the war with Germany under the applicable homestead and desert-land laws for a period of ninety-one days, beginning June 19, 1924. The greater portion of such land has been classified as oil shale or coal, or is withdrawn for coal classification, and is therefore subject to surface agricultural entry only. The filings of ex-service men may be presented at any time within the twenty days prior to the date above mentioned. On and after September 18, 1924, any of the lands remaining unentered, together with the unsurveyed land released amounting to 2,640 acres, will be subject to appropriation under any applicable public land law by the general public. Certain of the released tracts are embraced in permits to prospect for coal or oil and gas or in applications for such permits and a reservation of the mineral content is required in agricultural entries for such lands.

The area is released from driveway withdrawal and reported to be rough mountain grazing land. A considerable portion has been designated as enterable under the 320-acre homestead law and there are a few scattered designations under the stock-raising homestead law.

(427)

ARIZONA:

COLORADO:

IDAHO:

NEVADA:

NEW MEXICO:

UTAH:

OPEN TO ENTRY THROUGH SURVEYS.

The official plats of the survey of public lands have been transmitted to Surveyors General with instructions to transmit copies thereof to United States land offices for official filing, as follows:

T. 11 S., R. 17 E., T. 13 S., R. 18 E., and fractional T. 12 S., R. 18 E., G. and S. R. M., Arizona with letter dated May 9, 1924. Portions of the lands in these townships are within forest reservations and not subject to entry. Other portions have been withdrawn upon application of the State under the provisions of the act of August 18, 1894 (29 Stat., 394), for 60 days after the date of filing of the plats during which period the State has a preference right to select lands therein in satisfaction of public land grants, which lands aggregate about 15,300 acres; other public lands aggregate about 25,500 acres; United States land office at Phoenix.

T. 8 S., R. 100 W., fractional Ts. 7 and 8 S., R. 105 W., 6th P. M., T. 43 N., R. 19 W., fractional T. 43 N., R. 20 W., fractional T. 44 N., R. 18 W., fractional T. 46 N., R. 5 W., and fractional T. 48 N., R. 3 W., N. M. P. M., Colorado, with letters dated May 5, 9, and 10, 1924, approximately 63,000 acres; United States land offices at Glenwood Springs and Montrose.

Ts. 3, 4, and 5, S., R. 27 E., B. M., Idaho, with letter dated May 9, 1924, approximately 60,000 acres; United States land office at Hailey.

Fractional T. 42 N., R. 51 E., M. D. M., Nevada, with letter dated May 21, 1924, approximately 15,000 acres; United States land office at Elko.

Ts. 18, 19, and 20 S., R. 4 E., and fractional T. 20 S., R. 3 E., N. M. P. M., New Mexico, portions of which have been withdrawn from entry and disposal by executive order of May 3, 1912, as an experimental station, Department of Agriculture, with letter dated May 6, 1924, approximately 37,700 acres, open to entry; United States land office at Las Cruces.

T. 33, S., R. 11 E., S. L. M., Utah, with letter dated May 12, 1924, approximately 20,000 acres; United States land office at Salt Lake City.

The dates of filing will be fixed by the registers of the several offices, and the public lands indicated will be opened to entry, and subject to prior valid settlement rights and equitable claims, ex-service men of the World War will be entitled to a preference right to enter these lands under the homestead and desert-land laws for a period of 91 days, beginning with the date of filing of the plats under public resolutions No. 36 and 79, dated January 21 and December 28, 1922, respectively, except as to the lands in Arizona heretofore named, in which the State has a preference of selection for 60 days; thereafter the preference right of ex-service men will apply for lands not selected by the State. All lands will be

opened to general disposition on the expiration of the preference periods indicated.

The lands in Arizona are reported as mountainous, rolling, and broken. The soil is gravelly and rocky, third and fourth rates. There is considerable timber, and a fair growth of grass over these lands.

In Colorado the lands are mostly mountainous, with occasional open parks or high rolling benches. The soil on the rough lands is shallow and stony, third and fourth rates, while on the more open lands it is a sandy loam, second and third rates. The mountainous lands are timbered and all are chiefly valuable for grazing.

The lands in Idaho are rolling and covered with sage brush, and a good growth of grass, and valuable for grazing. The soil is a volcanic ash, stony in places, second and third rates.

T. 42 N., R. 51 E., Nevada, is rolling and broken covered with a dense growth of sage brush. The soil is a rocky gravelly loam.

In New Mexico the lands are mostly mountainous with rolling hills and level plains in portions of Ts. 18, 19, and 20 S., R. 4 E. The soil on the rough lands is gravelly and rocky, fourth rate, and on the open lands it is a sandy loam, second and third rates. There is a fair growth of grass and a desert undergrowth of greasewood, mesquite, cactus, and yucca.

T. 33 S., R. 11 E., Utah, is mountainous and rolling benches covered with timber. The soil is a shallow clay loam mixed with loose sandstone and granite. There is a medium growth of grass which affords grazing for sheep.

(7577)

FROM STOCK DRIVEWAY WITHDRAWAL.

(424)

NEW MEXICO:

Two hundred and eighty acres in Eddy County, Roswell land district, open to entry under the homestead and desert-land laws by ex-service men of the war with Germany, for a period of ninety-one days, beginning June 4, 1924. Filings may be presented at any time during the twenty days prior to that date. On and after September 3, 1924, any of such land remaining unentered will be subject to appropriation under any public land laws applicable thereto by the general public. The land is released from stock driveway withdrawal, is desert in character, and 40 acres thereof have been designated under the enlarged homestead act.

Further information, if desired may be obtained from the United States land office at Roswell.

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(425)

COLORADO:

2,112.27 acres in Routt and Moffat counties, Glenwood Springs land district, open to entry under the homestead and desert-land laws by ex-service men of the World War, beginning July 11, 1924, and opened to entry by the general public under any applicable public land law, beginning October 10, 1924. The lands are all included in coal withdrawals, and all agricultural entries must therefore be made with reservations of the coal to the United States.

All the lands have been released from segregation or application for segregation under the Carey Act and certain specific tracts thereof are opened immediately to entry under any applicable land law by persons previously claiming under the said act, and therefore having preference rights over ex-service men, all as set forth in the order of restoration.

The lands have all been designated as subject to entry under the enlarged and stock-raising homestead acts but are described as best suited for grazing purposes, having a grazing capacity sufficient for from 20 to 25 head of cattle per section. They are not well adapted to irrigation and some of them are steep and rocky and the soil is unsuited for cultivation under either irrigation or dry farming. The lands are devoid of timber, the vegetation upon them consisting of sagebrush, oak brush, wheat grass, and other grasses.

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STOCK DRIVEWAY WITHDRAWAL.

(426)

IDAHO:

Four hundred and eighty acres in Elmore County, Boise land district, open to entry under the homestead and desert-land laws by ex-service men of the war with Germany for a period of ninety-one days, beginning June 12, 1924. Filings may be presented at any time during the twenty days prior to that date. On and after September 11, 1924, any of such lands remaining unentered will be subject to appropriation under any public land law applicable thereto by the general public. The land is released from stock driveway withdrawal.

FROM TEMPORARY WITHDRAWAL.

(423)

NEW MEXICO:

8,265.56 acres in McKinley and San Juan counties, practically all either withdrawn for coal classification or classified as coal land, open to entry only by ex-service men of the war with Germany, under the homestead and desert-land laws restricted to the surface where so withdrawn or classified, for a period of ninety-one days, beginning May 29, 1924. Filings may be presented at any time during the twenty days prior to that date. The greater portion of the area is embraced in pending applications for permit to prospect for oil and gas under the mineral leasing law, or permits issued thereunder, and therefore a reservation to the United States of the oil and gas content will be necessary in agricultural entries for such lands. On and after August 28, 1924, any of the lands remaining unentered will be subject to appropriation under any applicable public land law by the general public, nonmineral entries being subject to the conditions above mentioned. The lands have been released from temporary withdrawal pending determination as to the advisability of including the same in the Chaco Canyon National Monument.

Further information, if desired, may be obtained from the United States land office at Santa Fe.

(7499)

OPEN TO ENTRY THROUGH SURVEYS AND RESURVEYS.

(422)

CALIFORNIA:

COLORADO:

NEVADA:

NEW MEXICO:

UTAH:

WYOMING:

The official plats of the survey and resurvey of public lands have been transmitted to surveyors general with instructions to transmit copies thereof to U. S. land offices as follows:

T. 1 N., R. 29 E., fractional T. 4 S., R. 33 E., and fractional Ts. 25 N., R. 3. 17 and 18 E., M. D. M., California, with letters dated April 17 and May 2, 1924, approximately 27,000 acres; U. S. land offices at Independence and Susanville.

Fractional Ts. 16 S., R. 69 W., T. 9 N., Rs. 99 and 100 W., T. 3 S., R. 104 W., 6th P. M., T. 46 N., R. 6 W., N. M. P. M., and T. 7 N., R. 104 W., 6th P. M., Colorado, with letters dated April 9 and 21 and May 1, 1924, approximately 42,000 acres; U. S. land offices at Pueblo, Glenwood Springs and Montrose.

T. 25 N., R. 67 E., T. 25 N., R. 49 E., T. 32 N., R. 29 E., and T. 29 N., R. 39 E., M. D. M., Nevada, with letters dated April 21 and May 1, 1924, approximately 74,000 acres; U. S. land offices at Elko and Carson City.

T. 9 S., R. 11 E., New Mexico, with letter dated April 21, 1924, approximately 2,500 acres, in Secs. 5, 6, 7, and 18, adjoining the Lincoln National Forest Reservation and chiefly valuable for grazing. U. S. land office at Roswell.

T. 36 S., R. 2 E., T. 36 S., R. 3 E., T. 37 S., R. 3 E., and fractional T. 37 S., R. 2 E., and T. 37 S., R. 1 E., S. L. M., Utah, with letter dated April 18, 1924, approximately 83,800 acres; U. S. land office at Salt Lake City.

Resurveyed T. 44 N., R. 80 W., 6th P. M., Wyoming, with letter dated April 7, 1924, approximately 6,500 acres; U. S. land office at Buffalo.

The dates of filing will be fixed by the Registers of the several offices, and the public lands indicated will be opened to entry and, subject to prior valid settlement rights and equitable claims, ex-service men of the World War will be entitled to a preference right to enter these lands under the homestead and desert land laws for a period of 91 days beginning with the date of filing of the plats under public resolutions Nos. 36 and 79, dated January 21 and December 28, 1922, respectively.

In addition to the above, T. 11 S., R. 22 E., Utah, aggregating about 17,500 acres of unreserved public lands, was surveyed upon application of the State, and the public lands involved were withdrawn under the provisions of the act of August 18, 1894 (28 Stat., 394), until sixty days after the date of filing of the plat, during which period the State has a preference right to select lands therein in satisfaction of public land grants. Upon the expiration of such period, ex-service men of the World War are entitled to the preference right heretofore indicated for lands not selected by the State. All lands will be opened to general disposition on the expiration of the preference periods indicated.

The lands in California are reported as mountainous and rolling, very little of which can be classed as agricultural in character. The soil is sandy, gravelly and rocky, third to fourth rate. Scrub timber abounds with under growth of sagebrush and bluebrush.

In T. 16 S., R. 69 W., 6th P. M. and T. 46 N., R. 6 W., N. M. P. M., Colorado there is some agricultural land, but the greater portion is mountainous and chiefly

In Nevada the lands are mountainous and hilly, with quite extensive level or rolling plains in three of the townships, and the extreme eastern portion of T. 25 N., R. 67 E., lies in the Antelope Valley. The soil on the low lands is generally sandy or clay loam capable of producing crops with irrigation. The high lands are rocky with scrub timber on the mountain slopes. Sagebrush, shadscale and bunch grass afford fair grazing.

T. 44 N., R. 80 W., Wyoming, is gently rolling land. The soil is a deep, coarse, sandy loam. The north half of the township is well settled and the land is suited for agriculture. The south half is suitable for grazing only.

T. 44 N., R. 80 W., Wyoming, is gently rolling land. The soil is a deep, coarse, sandy loam. The north half of the township is well settled and the land is suited for agriculture. The south half is suitable for grazing only.

A BIG MONTH'S WORK AT GLENWOOD SPRINGS.

During April, 412 applications were filed at Glenwood Springs, entailing a great amount of additional work in the land office. Each application must be platted and entered on the records of the office, receipt issued and all conflicts with land entries or other oil or gas applications noted. Many of these applications cover the full amount allowed, 2,560 acres, or four sections, and frequently represent 10 to 20 conflicts, on which descriptions and particulars as to oil and gas status must be obtained from the records and set forth on a sheet attached to the application for transmission to the General Land Office at Washington. In many instances the noting of conflicts and the platting of a single application have occupied the attention of a clerk for from one to three hours.

In addition to the oil and gas applications, the office received during April, 68 homestead applications, 32 final proofs, 25 supplemental applications and other forms of applications, totaling 578. The office also delivered 68 patents, issued 528 receiver's receipts, 43 final certificates, wrote upwards of 650 miscellaneous letters, set 86 proofs, made 90 allowances and received and acted upon 212 General Land Office letters.--Routt County Sentinel.

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OIL AND GAS ACTIVITIES.

During the month of May 640 new cases were received, an increase of 99 over last month; old cases received for further action numbered 1,658, an increase of 50 over the previous month. New permits were issued in 343 cases, 189 applications were finally rejected and closed, and 65 were partially rejected; 279 applications were rejected subject to appeal in their entirety, and 24 in part; 26 assignments of interests in permits were acted upon, and 192 extensions of time were disposed of. In 97 cases permits were held for cancellation, and 88 were canceled. During the month departmental decisions were rendered whereby 15 actions were affirmed, 1 reversed, and 5 modified; 890 applications were examined and reports thereon called for from the Geological Survey and Reclamation Service.

Under the "relief" sections of the act and other sections providing for the issuance of leases, 1 lease and 1 permit were issued, 5 applications rejected subject to appeal, and 3 applications finally rejected and closed in their entirety, and 2 in part; 9 assignments were acted upon, and 18 extensions of time disposed of. The total number of old cases received in connection with this branch of the work was 63.

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MINERAL LEASING RECEIPTS.

Receipts under the mineral leasing act of February 25, 1920, for the month of April amounted to \$1,233,878.20, of which \$1,232,761.47 was from lands outside of naval reserves and \$1,116,73 was from lands within naval reserves.

CONSOLIDATED WORK REPORT OF LOCAL LAND OFFICES FOR THE MONTH

OF APRIL, 1924.

OFFICES.	End Last Month.			Received and Disposed of.		End of This Month.		
	Pend- ing desig- nation.	Sus- pend- ed re- jected other- wise.	Pend- ing un- acted on by R.&R.	Rec'd in this month.	Trans- mitted to GLO this month.	Now pend- ing desig- na- tion.	Now sus- pend- ed re- jected other- wise.	Pend- ing unact- ed on by R. & R.
Alabama								
Montgomery		16		16	18		14	
Arizona								
Phoenix	142	164		275	274	142	165	
Arkansas								
Harrison		30		58	67		21	
Little Rock		219		54	52		221	
California								
El Centro	16	30		51	57	9	31	
Eureka	50	1		7	15	42	1	
Independence	51	105		51	81	31	95	
Los Angeles	45	116		194	175	34	146	
Sacramento	53	75		85	69	61	83	
San Francisco	102	52		80	77	100	57	
Susanville	24	18		25	35	18	14	
Visalia	12	36		82	80	12	38	
Colorado								
Del Norte	22	8		12	10	28	4	
Denver	102	66		109	87	107	83	
Durango	22	24		120	71	23	72	
Glenwood Springs	264	420	35	553	433	226	613	
Lamar	37	19		81	65	40	28	4
Leadville	5	23		24	12	6	34	
Montrose	92	116		130	109	79	150	
Pueblo	197	124		451	215	192	365	
Sterling	13	10		25	24	12	12	
Florida								
Gainsville		25	9	99	94		33	6
Idaho								
Blackfoot	43	86		71	74	55	71	
Boise	53	67		89	86	69	54	
Coeur d' Alene	1	33		36	35	1	34	
Hailey	43	68		55	41	35	90	
Lewiston	10	27		11	11	10	27	
Louisiana								
Baton Rouge		19		12	14		17	
Michigan								
Marquette		8		20	15		13	

Minnesota						
Cass Lake		3	18	17		4
Crookston		9	25	25		9
Duluth		3	39	35		7
Mississippi						
Jackson		17	15	15		17
Montana						
Billings	18	11	20	17	13	19
Bozeman	58	57	39	45	48	61
Glasgow	103	42	55	59	99	42
Great Falls	30	29	141	52	25	123
Havre	56	37	68	73	40	48
Helena	99	79	70	48	96	104
Kalispell	2	5	12	13	1	5
Lewistown	117	31	34	44	109	29
Miles City	158	76	162	203	112	81
Missoula	11	10	13	17	9	8
Nebraska						
Alliance	25	3	7	7	24	4
Lincoln	20	4	7	6	20	5
Nevada						
Carson City	33	112	28	29	36	108
Elko	27	26	31	24	30	30
New Mexico						
Clayton	56	44	79	80	67	32
Fort Sumner	37	51	91	90	38	51
Las Cruces	43	110	91	105	43	96
Roswell	61	80	211	202	63	87
Santa Fe	61	138	224	247	47	129
North Dakota						
Bismarck	11	30	29	30	18	22
Dickinson	10	10	11	15	10	6
Oklahoma						
Guthrie	46	14	33	42	47	4
Oregon						
Burns	23	4	27	22	25	7
La Grande	59	57	33	37	59	53
Lakeview	52	57	30	32	56	51
Portland		7	32	33		6
Roseburg		28	119	103		44
The Dalles	98	29	81	68	107	33
Vale	20	66	34	39	21	60
South Dakota						
Bellefourche	4	8	19	22	4	5
Pierre	68	24	48	63	55	22
Rapid City	24	28	50	55	18	29
Utah						
Salt Lake City	264	253	233	199	307	244
Vernal	20	45	53	47	23	48
Washington						
Seattle		5	9	7		7
Spokane	21	40	47	54	16	38

Washington-(cont'd)

Vancouver	2	2		3	1	2	4
Walla Walla	21	1		12	11	22	1
Waterville	30	16		318	324	26	14
Yakima	9	3		21	23	9	1
Wisconsin							
Wausau		2		19	20		1
Wyoming							
Buffalo	87	27		79	82	70	41
Cheyenne	130	105		135	131	65	174
Douglas	34	88		125	128	29	90
Evanston	41	131		87	74	44	141
Lander	17	59		27	52	22	29
Newcastle	69	57		92	86	71	61
Total	3,603	4,185	44	6,175	5,656	3,408	4,933
							10

PRESIDENTIAL APPOINTMENTS.

Paul E. Bellamy, of Rapid City, South Dakota, appointed Register of the Land Office at Rapid City, vice James R. Sharp, term expired. Commission dated May 12, 1924; entered on duty May 22, 1924.

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OBITUARY.

Perry M. Colson, Receiver of the Gainesville district land office, from December, 1914, to April, 1923, died at his home in Gainesville, Florida, April 29, 1924. An interesting sketch of Mr. Colson's career is given in the Gainesville Sun of April 30, 1924.

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LEGAL HONORS FOR THE GENERAL LAND OFFICE.

Mr. Ralph S. Clinton, of the Patent Division, has graduated from the law school of the Y. M. C. A. College and received his degree of LL.B under date of May 27, 1924.

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BIND YOUR BULLETINS.

Volume 7 of the Land Service Bulletin is now complete and members of the Land Service on the mailing list should at once transmit to the Chief Clerk of the General Land Office the twelve numbers that make up the volume so that it may be properly indexed and bound, after which it will be returned to the sender.

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TELL THE BULLETIN.

To All Local Offices and Field Service Employees:

If anything occurs, in the public land service, which you think is of administrative value, tell us about it. Address all communications to the Commissioner of the General Land Office, "Land Service Bulletin." All information should be received not later than the 24th of each month for use in the current number.

GENERAL LAND OFFICE

Land Office at Nashville, Tennessee, appointed by the
Commission dated May 12, 1904; entered on duty May 12, 1904.

RECEIVED

Received of the General Land Office, Nashville, Tennessee,
December 1914, to April, 1921, and at his home in Nashville, Tennessee,
April 29, 1921. An interesting sketch of Mr. Tolson's career is given in the
Nashville Sun of April 30, 1921.

LEGAL NOTICE FOR THE GENERAL LAND OFFICE

Mr. Ralph S. Winston, of the Patent Division, has transferred from the
law school of the T. M. C. College and received his degree of LL.B. under
date of May 27, 1904.

WITH YOUR EULASTIC

Volume 1 of the Land Service Bulletin is now complete and consists of
the Land Service on the calling list should at once transmit to the Chief
Clerk of the General Land Office the twelve numbers that make up the volume
so that it may be properly indexed and bound, after which it will be returned
to the writer.

THE EULASTIC

TO ALL LAND OFFICERS AND FIELD SERVICE PERSONNEL

It requires some, in the public land service, which you think is of
administrative value, tell me about it. Address all communications to the
Commissioner of the General Land Office, "Land Service Bulletin". All in-
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in the current number.

LAND SERVICE BULLETIN DEPARTMENT OF THE INTERIOR GENERAL LAND OFFICE

By direction of the Secretary of the Interior, the matter contained herein is published as administrative information and is required for the proper transaction of public business.

Vol. 8.

July 1, 1924.

No. 5.

RULES AND REGULATIONS OF THE DEPARTMENT.

In the recent case of *Hodgson v. Midwest Oil Company*, reported in 297 Federal Reporter 273, involving, among other questions, the force and effect of certain regulations adopted and announced by the Secretary of the Interior in the administration of the mineral leasing act of February 25, 1920, the court in substance said, "that while the specific matter of procedure called in question was not provided for in the act, it did give the Interior Department the right to prescribe rules and regulations to carry the act into effect, which should be given the full force and effect of statutes, if not inconsistent with or repugnant to the law itself."

It is true that this pronouncement of the court rests upon a long line of decisions uniformly to the same effect, but it has seemed not amiss for the BULLETIN to call attention to the recognition our regulations receive in the courts, in order that the Service may fully appreciate the importance of consulting all regulations and instructions that may be issued in aid of more effective administration.

The necessity for departmental regulations as a part of executive action has been fully recognized by Congress. Section 161 of the Revised Statutes provides:

"The head of each Department is authorized to prescribe regulations, not inconsistent with law, for the government of his Department, the conduct of its officers and clerks, the distribution and performance of its business, and the custody, use, and preservation of the records, papers, and property pertaining to it,"

while section 2478 of the Revised Statutes provides:

"The Commissioner of the General Land Office, under direction of the Secretary of the Interior, is authorized to enforce and carry into execution, by appropriate regulations, every part of the provisions of this title (Public Lands), not otherwise specially provided for."

In addition to this general authority to prepare regulations for the enforcement of statutory provisions, nearly all of our statutes that are dependent upon the Federal executive for administration, contain some special provision authorizing the issuance of regulations to secure the enforcement of the act substantially in this form:

"The Secretary of the Interior is hereby authorized to perform any and all acts, and to make such rules and regulations as may be necessary and proper for the purpose of carrying the provisions of this act into full force and effect."

The importance of regulations of this character, thus recognized by Congress and the courts, can easily be understood in the difficulties that would be encountered by the Interior Department in the administration of our public land laws, if each district land office was left to put its own construction upon the public land laws enacted by Congress. It would hardly be within the range of probability that any two offices would agree exactly upon the construction to be given any act of importance under such circumstances; but with general regulations issuing from the head of the Department uniformity of action and procedure is secured throughout the entire service.

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SURVEY NOTES.

Public Land Surveys in Aerial Photography.--In the preparation of a detailed map of Naval Oil Reserves No. 1 and No. 2, California, in which the base is to be made by the Navy Department, through the use of aerial photographs taken from hydroplanes, the Geological Survey has asked this office to flag certain corners of the public land surveys in the vicinity so that the corner positions will register in the photographs and thus furnish an accurate control for the lines of the public land surveys that are to appear upon the map.

Mr. A. C. Horton, jr., Assistant Supervisor of Surveys, who will have immediate charge of our part of the work, has conferred with Admiral H. H. Rousseau of Los Angeles, and Mr. G. W. Holland of the Geological Survey, looking to the successful undertaking of the field work at an early date.

Standard Map Symbols.--At a special meeting of the Board of Surveys and Maps, called on June 10, 1924, the report of the Technical Standards Committee on base map symbols was adopted. The sheets showing the various symbols adopted are now in course of preparation through a co-operative undertaking of the member organizations, and it is expected that samples will be available for distribution at an early date.

Unlawful Removal of Public Land Corner Monuments.--The following extract from a letter of June 12, 1924, to the Supervisor of Surveys, is given a place in the BULLETIN as indicative of the general attitude of the General Land Office on the question of corner monuments and their removal by private agencies:

"***** The wilful destruction of the corners of the public land surveys is prohibited by section 57 of the Penal Code of the United States (35 Stat., 1088), which provides that:

'Whoever shall wilfully destroy, deface, change, or remove to another place any section corner, quarter-section corner, or meander post, on any Government line of survey, or shall wilfully cut down any witness tree or any tree blazed to mark the line of a Government survey, or shall wilfully deface, change, or remove any monument or bench mark of any Government survey, shall be fined not more than \$250, or imprisoned not more than six months, or both.'

"There is, however, full and complete authority vested in the surveying service of the General Land Office by section 543 of the Revised Statutes, the various resurvey acts and the Manual of Surveying Instructions to destroy, change or remove, any corner of the public land surveys to which no legal rights have attached, as occasion may require. The general attitude of this office towards the preservation of the position of its public land corners and of the monuments themselves that are liable to be covered up or destroyed in the carrying out of some enterprises authorized by law is indicated by sections 19 and 20 of the Regulations concerning Right of Way over Public Lands and Reservations for Canals, Ditches, and Reservoirs, approved June 6, 1908, which read as follows:

'19. Witness monuments for destroyed public survey corners.--Whenever a corner of the public survey will be covered by earth or water, or otherwise rendered useless, marked monuments (one on each side of destroyed corner) must be set on each township or section line passing through, or one on each line terminating at, said corner. These monuments must comply with the requirements for witness corners of the Manual of Surveying Instructions issued by the General Land Office, and must be at such distance from the works as to be safe from interference during the construction and operation of the same. If two or more consecutive corners on the same line are destroyed, the monuments shall be set as required in the Manual for the nearest corner on the line to be covered.'

' 20. Method of establishing witness monuments.---The line on which such monument is set will be determined by running a random line from the corner to be destroyed to the first existing corner on the line to be marked by the monument, a temporary mark being set on the random line at the distance of the proposed monument. If the random line strikes the corner run to, the monument will be established at the place marked; if the random line passes to one side of the corner, the north and south or east and west distance to it will be measured and the true course calculated. The proper correction of the temporary mark will then be computed and a permanent monument set in the proper place. The field notes for the surveys establishing the monuments must be in duplicate and separate from those of the canal or reservoir, and must be certified by the surveyor under oath. They must comply with the form of field notes prescribed in the Manual of Surveying Instructions issued by the General Land Office.'

"Furthermore, this office, in letter of March 1, 1919, addressed to the United States Surveyor General for Montana, gave its approval to certain suggestions offered by the State Highway Commission of Montana, as to the preservation of the public land corners which may be in danger by the construction of a highway. The suggestions as approved are as follows:

"Method of witnessing corners which would be destroyed by highway construction.

"Corners to be witnessed by 4 monuments so that original point can be located by intersection alone.

"Monuments to be of iron pipe of 1 inch or more in diameter and at least 30 inches long driven so that top is about 3 inches above ground surface. Guard stakes with description of corner on one side and distance and angle on the other side to be driven at witness monuments.

"The following disposition is to be made of the original corner:

"When the corner is in fill, cover corner and record in notes depth of fill at that point.

"When corner is in cut, reset corner from witness monuments, placing same at least 12 inches below road surface, and record depth in notes.

"Notes, accompanied by sketch, are to be filed in the office of the County Clerk and Recorder and a copy of same to be sent to the office of the Surveyor General in Helena.

"Herewith sketch showing various conditions and method of witnessing.

"The procedure has since been carried into other surveying districts, notably Wyoming.

"It might be stated as a general principle that when any project of a Governmental or public character or under authority of Federal law, endangers the safety of a public land corner and the requirements above referred to are faithfully carried out the procedure will not, in the opinion of this office, constitute such an offence as is contemplated by said section 57 of the Penal Code. It should be clearly understood, however, that since the law makes it a crime to wilfully destroy, deface, change or remove a corner of the official surveys this office is without power to authorize the commission of the offence, or to excuse or condone the offence when once committed. It here merely expresses the opinion that the procedure above outlined involved no act cognizable under the law above quoted.

"Coming now to the purely private undertaking, we find nothing to sanction, on the part of this office, any act that would tend to endanger the safety of our public land monuments, in their original position and form, nor is this office disposed to make any general provision for the witnessing of corners so endangered, that would be suggestive of a purpose to sanction such action. Its advice to individuals interested in private projects is to commit no act that would tend to work a violation of the statute.

"As to what would constitute a violation of the statute it should be noted that the term "wilful" when used in imposing a penalty for a criminal act, means not merely voluntary, but with a bad purpose. In Spurr v. United States, 174 U. S. 728, the Supreme Court stated that:

"The significance of the word 'wilful' in criminal statutes has been considered by this court. In Felton v. United States, 96 U. S. 699, 702, it was said: 'Doing or omitting to do a thing knowingly and wilfully, implies not only a knowledge of the thing, but a determination with a bad intent to do it or to omit doing it. The word 'wilfully,' says Chief Justice Shaw, 'in the ordinary sense in which it is used in statutes, means not merely 'voluntarily,' but with a bad purpose.' (20 Pick. Mass. 200.) 'It is frequently understood,' said Bishop, 'as signifying an evil intent without justifiable excuse.' (Crim. Law, Vol. 1, Sec. 428.)

"Furthermore, the statute by specifying the various acts prohibited, namely, to destroy, deface, change or remove, excluded all others. Therefore, any act looking to the perpetuation of the position of a corner, either by securing the original monuments in its true locus or in establishing witness corners as an accessory should be commended rather than condemned.* * *."

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SURVEY OF OREGON CAVES NATIONAL MONUMENT.

A recent survey of a township in southern Oregon embraces and defines the location of the Oregon Caves National Monument, which was proclaimed such in 1909 by executive order, to preserve a natural cavern.

It is said to attract a large number of tourists, and a highway has been built to reach the cave, and a hotel has been built with other improvements on the reserve which is situated in the Siskiyou National Forest near the Oregon-California State line, and is reached from Medford or Grants Pass.

The caves were named by Joaquin Miller the "Marble Halls of Oregon." Back in 1909 the Forest Supervisor reported:

"These caves are more a series of galleries than of roomy caverns, though many beautiful rooms have been discovered, while miles of galleries have been visited; but there are thousands of passageways leading in all directions--partly closed by stalactites--that have never been opened, and with the distant and unexplored openings on the opposite side of the mountain the magnitude of the Oregon Caves can be said to be practically unknown.

"The lime deposits take many beautiful forms; massive pillars, delicate stalactites of alabaster whiteness with the crystal drop of water carrying its minute deposit of lime from which they are formed, and broad sheets resembling drapery with graceful curves and waves that were certainly made by varying currents of wind during formation."

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SURVEYING DIFFICULTIES.

As a specimen of the difficulties encountered in surveying the public domain, in order to accommodate the increasing demand from settlers who are now penetrating the hitherto regarded unsurveyable land in the rough regions of Utah, the following extract is quoted from the field notes of the U. S. Cadastral Engineer, recently received:

"In surveying the south boundaries of T. 38 S., Rs. 8 and 9 E., it was impossible to reach the true line between certain section corners on account of deep box-canyons and high inaccessible sandstone ledges with perpendicular walls from 200 to 1,000 feet high. Some of these canyons were 12 miles in length and could only be crossed at their heads. The true line

could not be reached from the sandstone ridges between the canyons because of the high impassable buttes, and the only method that could be used to determine the distance between corners was by a series of long triangulations. The true position for a portion of the corners fell on sloping sandstone surfacerock, and, in order to establish securely the iron posts corners so that it would be impossible for floods, or snow and land slides to disturb them, holes were drilled 16 inches in the solid stone and the posts set firmly therein."

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Recent Decisions on Red River by U. S. Supreme Court.--The boundary line between the States of Oklahoma and Texas through the Red River oil fields, was, on June 9, 1924, the subject of five decisions by the United States Supreme Court, all of which related directly or otherwise to the report of the Boundary Commission appointed by the court in the case of Oklahoma v. Texas, United States intervener, to run, locate, and mark upon the ground the position of the boundary line where it follows the Red River, as decreed on March 12, 1923, and the position of the medial line of the river, as ordered by the court on June 4, 1923.

Exceptions to the report on the boundary line were presented by the State of Oklahoma, the Grand Oil and Developing Company, and William A. Fondren, and an informal protest against its confirmation was filed by Frank W. Thaison and J. R. Lester. No exceptions were taken to the Commission's determination of the position of the medial line.

All but the exceptions by the State of Oklahoma were dismissed for the want of a legal interest or more than a mere conjectural interest on the part of the objectors. The two grounds on which the State of Oklahoma based her exceptions were, first, that the adoption by the Commissioners of a gradient of the flowing waters in the river, located midway between the lower level of the flowing waters that just reach the cut bank and the higher level of it that just does not overtop the cut bank, did not give proper effect to the decree of the court that the boundary line is on and along that bank at the mean level attained by the waters of the river when they reach and wash the bank without overflowing it. In dismissing this complaint, the court pointed out that the gradient used as representing the mean level of the waters was not an unbroken line arbitrarily projected from one end of the Big Bend area to the other, but a broken line adjusted to prevailing levels in relatively short sections, and that with the varying widths of the river and the consequent effect due to the choking of the waters in the narrow sections and the spreading out of the waters in the broader reaches of the river, the course pursued by the Commissioners was both reasonable and practical and gave full effect to the court's decree.

The second exception by the State of Oklahoma charged the Commissioners with having dealt with a certain addition to the south bank as an accretion rather than one formed by an artificial structure erected in the river by the receiver. The court found, however, that the structure in question was at most but a minor factor and that the Commissioners were

right in dealing with the addition as an accretion. The exceptions were accordingly overruled and in a separate decree, both reports of the Commission were approved as fixing the interstate boundary and the medial line of the river through the Big Bend area.

By the other decisions of the same date, the court authorized the receiver to deliver to the Secretary of the Interior, as the representative of the United States, the possession of all the south half of the river bed, included within the receivership, with all oil wells, pipe lines, and other property pertaining to such river bed; the surrender to be made at the close of business on June 30, 1924, or as soon thereafter as the Secretary of the Interior is prepared to take over the property. Complete instructions were given as to the adjustment of the receiver's account, and in disposing of certain questions involving the distribution of the expense of receivership, over the funds impounded by the receiver, the court laid down the general rule that the expense is a charge ratably against all impounded funds, unless there be special circumstances making it inequitable to do so.

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Field Service Notes.

Departmental orders fixing the salaries of employees of the Field Service, as intended by the provisions of bill H. R. 9561, which failed of signature in the last session of Congress, have been mailed to all employees.

Special Agents Bert B. Craig and Harry D. Moulton, of the Santa Fe Division, have been temporarily transferred to the Denver Division.

Special Agent Thomas P. Garvey, of the Helena Division, has been assigned to duty in the Cheyenne Division.

Special Agent Norman F. Waddell has been transferred for the summer season from the San Francisco to the Cheyenne Division.

Mineral Examiner George M. Kintz, of the Salt Lake Division, has been transferred to the Denver Division.

Miss Ruth Williams, of Utah, has been appointed clerk in the office of the Chief of Field Division at Salt Lake City.

GENERAL LAND OFFICE EXHIBIT--NATIONAL EDUCATION ASSOCIATION.

An original land patent granted by George III of Great Britain to James Baird for 10,000 acres in Florida, 1776, is in possession of the General Land Office and is a part of its display at the Department of the Interior Educational Exhibit in the Interior Building this week. The document is written on parchment 25 x 32 inches to which the seal of King George is attached. This seal is made of brown wax, is four and one-half inches in thickness. It is secured to the parchment with a piece of faded blue ribbon pressed into the wax.

Other original land patents exhibited are parchments signed by Andrew Jackson, James Madison, James Monroe, John Quincy Adams, and John Adams. These pieces were displayed at St. Louis and the Panama-Pacific International Exposition at San Francisco.

Bounty land warrants for military service issued to Phillip H. Sheridan, Robert E. Lee, Abraham Lincoln, Ambrose E. Burnside, Ulysses S. Grant, W. S. Hancock, and Winfield Scott are included in the exhibit of historical documents.

Of historic interest is a land relinquishment of 520 acres in the vicinity of New Orleans which had been given to "Major General Lafayette" by act of Congress. He relinquished the land because of the difficulty in locating it. It is written on parchment and signed by Lafayette.

Among other historic land documents is the first township plat instituted under the rectangular system of public land surveys. This plat is of a survey executed in 1786 under the Continental Congress, covering Township 1 North, Range 1 West. It is located in eastern Ohio.

Also there are sample plats of modern surveys in which the topography is shown by hachures and by contours. One of these is a plat of the lands now embracing the city of Chicago which was divided into farms of 160 acres each in 1836.

Of current interest is a plat of the townsite of Harding, Florida. Of this townsite 128 lots sold at auction recently for \$386,400.

Compiled under the directions of Mr. I. P. Berthrong, Chief of the Drafting Division of the General Land Office, is a map of the United States, including territories and insular possessions, showing extent of public surveys of national parks and monuments, Indian, military, bird, and game reservations, national forests, railroads, canals, and other details. It is 10 x 13 feet in size, enlarged by the giant camera of the Geological Survey, and mounted and colored by the Drafting Division of the General Land Office. This map was exhibited at the Brazilian International Centennial Exposition at Rio De Janerio.

RECENT DECISIONS OF THE COURTS AND THE DEPARTMENT.

Carey Act--Construction Company--Individual Water Rights.--By its decision of June 9, 1924, the Supreme Court of the United States had under consideration several important questions arising under the Carey Act in the case of the Idaho Irrigation Company, Ltd., et al, against Fred W. Godding, et al, on appeal from the United States Circuit Court of Appeals for the Ninth Circuit, the action below being reported in 285 Federal Reporter 453.

This suit originated in a proceeding instituted in the State court, and removed to the Federal District Court, to enjoin the Irrigation Company and its trustees from selling, disposing of, or transferring upon the books of the company any shares of the Reservoir and Canal Company held as assets of the Irrigation Company, or as trustees for the benefit of the bond holders; and to enjoin the Irrigation Company from making further contracts for the selling, disposing of, or transferring any shares of the Reservoir and Canal Company which the Irrigation Company owned or controlled.

In its disposition of the case the court said:

"We can not accept the contention of appellants that the application of the State and the issuance thereon of a patent to the lands by the Secretary of the Interior constituted a determination binding on the individual water right owners that an ample supply of water was available for the entire 117,677.24 acres. Whatever may be the effect of this action as between the United States and the State of Idaho, it is perfectly clear that it can have no effect upon the rights of the individual land and water owners. Their rights are to be measured by the contracts, and by these contracts the Irrigation Company bound itself to furnish one-eightieth of a cubic foot per second of time per acre. We fully agree with the District Court that the individual appellees, not being parties to these proceedings, are not bound by them, and in saying: 'They hold contracts imposing upon them heavy obligations and in turn conferring upon them valuable rights. It would be shocking to hold that these rights could be taken away or substantially impaired by a finding of fact or conclusion of law (we are not advised which) made by an administrative officer in an ex parte proceeding in which they did not have an opportunity to be heard.' (See also Twin Falls Oakley Land & Water Co. v. Martens, 271 Fed., 428 and 433.)

As among the individual owners the water rights conveyed by the Irrigation Company are vested and under the contracts must be shared proportionately, but the Irrigation Company is without right to continue to contract to sell and deliver water from a supply that has already been exhausted, thereby compelling these owners to still further diminish their proportionate rights. As said by the Supreme Court of Idaho

in Sanderson v. Salmon River Canal Co., 34 Idaho, 303, 310: 'It is one thing to prevent any more rights vesting, in order to avoid a hardship to those whose rights have already vested, and it is another thing to wipe out rights which have already vested through the issuance of contracts and the use of the water.' State v. Twin Falls Land & Water Co. (Idaho), 217 Pac., 252, 256; Poley v. Twin Falls Canal Co. (Idaho), 217 Pac., 258, 262-263; Caldwell v. Twin Falls, etc., Co., 225 Fed. Rep., 584, 592-595.

We think the District Court was also right in including in the injunction the 12,722.64 shares of stock purchased by the trustees at foreclosure sale. These shares were the property of the Irrigation Company, and representing an excess of available water supply, should be extinguished and their re-sale enjoined. They are subject to the same principle that was applied to the issuance and sale of additional original shares in excess of such supply. The conclusion of the District Court was based upon the theory that the ownership and control of these shares were in the Irrigation Company and this is supported by the evidence. Indeed, it was so stipulated between counsel at the trial. (See Childs v. Neitzel, 26 Idaho, 116, 127, 129-131.

The Court of Appeals, however, held that the decree of the District Court in this respect was erroneous to the extent of 5,322.26 shares which were appurtenant to the lands owned by the Irrigation Company and its trustees when the suit was commenced and lis pendens filed; but we are unable to see that these shares occupy any different status from the others. The stipulation of ownership and control included all. If the injunction was bad as to the 5,322.26 shares, it was bad as to all. The Irrigation Company, having oversold the available water supply, exclusive of the shares purchased at foreclosure sale, can not be permitted to sell additional shares, whether still unissued, or issued and sold but re-acquired, and whether acquired before the suit and lis pendens or afterwards. It may be conceded that the water rights represented by these shares were appurtenant to the lands for the irrigation of which they had been acquired, Comp. Stats., Idaho, sec. 3018; but they were not, under the Carey Act and the laws of Idaho, inseparably appurtenant to the lands, but constituted distinct and separable property rights. Bennett v. Twin Falls, etc., Co., 27 Idaho, 643, 653. To permit the use and enjoyment of these water rights by the Irrigation Company, with the consequent further reduction of individual rights purchased from the company, would be to ignore the distinction between the wrongdoer and the innocent, and is not to be suffered by a court of equity."

Mineral Leasing Act--Inuring Clause.--Where a mining lease is granted by the Interior Department under the act of February 25, 1920, the inuring clause providing that all permits or leases thereunder shall inure to the benefit of the claimant, and all persons claiming through or under him by lease, contract, or otherwise, as their interests may appear, does not apply to an assignee of the heirs of a co-locator.

Decision of the Department Conclusive.--Where the Interior Department has spoken in regard to the disposition of title to Government land, that decision is final, in the absence of fraud or error of law.

Regulations Under the Mineral Leasing Act.--The rule enunciated by the Interior Department providing that any person claiming a fractional interest in a mining claim may make application for a lease or permit stating the extent of his interest and the reason for non-joinder of his co-owner, has the effect of a statute and gives any co-locator a right to his day in the tribunal of the Department.

Mineral Leasing Act--Decisions of the Department.--It was the intention of the mineral leasing act of February 25, 1920, to give the Department of the Interior the right to grant leases on placer mining claims to the owner thereof; and when the Department has made findings of fact, and spoken with respect to the ownership, unless the decision is impeached for fraud, jurisdictional irregularities or on account of being based on erroneous propositions of law, that adjudication is final and will not be disturbed by the courts. *Hodgson v. Mountain and Gulf Oil Company* (297 Federal Reporter, 269).

Mineral Leasing Act--Jurisdiction of the Interior Department.--The granting of mineral leases under the act of February 25, 1920, is within the exclusive jurisdiction of the Department of the Interior so far as to be impregnable against collateral attack.

Mineral Leasing Act--Decision of the Department.--A claim that a decision of the Interior Department recognizing the ownership of a placer mining claim for the purpose of granting a lease to the owner or owners of the claim should be set aside on account of fraud, jurisdictional irregularities or errors of law on which the decision was based can not be asserted in an action at law.

Mineral Leasing Act--Constitutional.--The mineral leasing act of February 25, 1920, does not violate the due process clause of the Federal Constitution; amendment 5, and amendment 14.

Right of Placer Mineral Claimant.--The right secured by a placer mining claimant in an oil field is not that certain indefeasible right which comes from a grant of title ownership, but depends at all times on certain acts to be continuously performed by claimant, the fee title remaining in the United States unless claimant proceeds to patent. In the latter proceeding rights in such a claim may be irrevocably cut off by a proceeding based on a published notice.

Mineral Leasing Act--Rules and Regulations.--Under the mineral leasing act giving the Interior Department the right to prescribe rules and regulations to carry the act into effect, such rules and regulations should be given the effect of statutes when not inconsistent with the law itself.

Mineral Leasing Act--Procedure in the Department.--The mineral leasing act gives the Department of the Interior the right under proper due process regulation to call before it any person or persons claiming an interest in an entry on which a lease is sought and on such a hearing the right of the parties can be fully determined. *Hodgson v. Midwest Oil Company* (297 Federal Reporter, 273).

Repayment--Entry--Coal Lands--Withdrawal--Abandonment--Surface Rights.--The allowance of an entry for land subsequently included within a coal withdrawal is not an erroneous allowance within the purview of the repayment act of June 16, 1880, notwithstanding that at the time of its abandonment by the entryman there existed no law under which it could have been confirmed as to a surface patent.

Repayment--Entry--Relinquishment--Coal Lands--Withdrawal.--A claim for repayment under the act of March 26, 1908, based on the relinquishment of an entry because of its inclusion within a coal withdrawal, can not be allowed unless it is shown as a fact that the withdrawal was the determining factor in inducing the relinquishment.

Departmental Decisions Cited and Applied.--Cases of William E. Creary (2 L. D., 694), and William H. Irvine (28 L. D., 422), cited and applied.

Olive M. Harrison; decided April 24, 1924,
by First Assistant Secretary Finney.

Forest Lieu Selection--Laches--Oregon.--The State of Oregon will be deemed to be in laches and the title of the United States to base lands conveyed by a forest lieu selector indefeasible, upon failure to institute further recovery proceedings within a period of nearly five years after court proceedings instituted by the State to recover the land on the ground that it had been fraudulently acquired from it had been dismissed without prejudice because the United States had not been made a party, notwithstanding that there is no statute of limitations barring actions by the State to recover real property.

State of Oregon v. Hyde; decided April 26,
1924, by First Assistant Secretary Finney.

Timber and Stone Entry--Notice--Payment.--The requirement that a timber and stone applicant must, within thirty days from service of notice, deposit with the receiver the appraised price of the land, is a departmental regulation which may be waived where good faith has been manifested and its literal enforcement would work hardship not rendered necessary by any public need.

Merrill G. Wideman and Jessie F. Iobdell;
decided May 3, 1924, by Assistant Secretary Goodwin.

Homestead Entry--Application--Settlement--Oil and Gas Lands--Prospecting Permit--Improvements--Surface Rights--Damages--Waiver.--A homestead application based upon a claim of settlement initiated subsequent in time to an oil and gas prospecting permit application can only be allowed subject to the reservations of the act of July 17, 1914, and upon waiver of damages to the surface improvements as required by section 29 of the act of February 25, 1920, and the permit applicant is not obligated to show cause against the allowance of the homestead application upon those conditions.

Departmental Decision Cited and Applied.--Case of Alfred O. Lende (49 L. D., 305), cited and applied.

Edmund Herron; decided May 3, 1924, by
First Assistant Secretary Finney.

Phosphate Lands--Prospecting Permit--Lease--Secretary of the Interior--Supervisory Authority.--The act of February 25, 1920, contains no provision authorizing the issuance of permits to prospect for phosphate or to award leases as a reward for discoveries, but there is vested in the Secretary of the Interior discretionary authority to fix by general regulations the terms under which leases may be awarded under section 9 of that act.

Phosphate Lands--Lease--Secretary of the Interior.--The general phosphate regulations of May 22, 1920, being applicable to leases in proven fields do not contemplate a situation in which considerable preliminary work is necessary before the actual opening of a mine can be undertaken, and, in order to make effective the purpose of the leasing act, it is clearly the duty of the Secretary of the Interior to prescribe such terms for leases as will promote the development of unproven fields.

Departmental Regulations Amended.--Sections 4 and 5 of the phosphate regulations of May 22, 1920 (47 L. D., 513), amended.

Reginald C. Willis; decided May 3, 1924,
by First Assistant Secretary Finney.

Repayment--Desert Land--Coal Lands--Withdrawal.--An allowance of a desert-land entry for land withdrawn from entry under the coal land laws only is not erroneous, and its cancellation for failure of the entryman to submit proof rather than to prove the noncoal character of the land is not a ground for repayment under the act of June 16, 1880.

Repayment--Entry--Confirmation.--Under section 2 of the act of June 16, 1880, which provides for repayment where an entry has been erroneously allowed and can not be confirmed, the fact that an entry is incapable of confirmation is not alone sufficient, but its allowance must also have been erroneous.

Departmental Decisions Cited, Applied, and Distinguished.--Case of William H. Irvine (28 L. D., 422), cited and applied; case of Thomas A. Sheppard (46 L. D., 261), cited and distinguished.

Samuel C. Purdy; decided May 15, 1924,
by Assistant Secretary Goodwin.

Mortgage--Homestead Entry--Vested Rights--Relinquishment--Records.--

Where an entry is relinquished after the equitable title thereto has been earned and the county records show at date of relinquishment the existence of a mortgage, a trust will be declared against a subsequent entry for the benefit of the mortgagee to the extent of the mortgage.

Mortgage--Homestead Entry--Vested Rights--Purchaser--Relinquishment--Notice--Records.--The purchase of a relinquishment of an entry, the equitable title to which had been earned, for a mere fraction of its value, without consulting the records of the local office and the county records, gives rise to the suggestion of bad faith on the part of the purchaser and precludes the plea by him of ignorance of the existence of a mortgage where those records contain sufficient data to put him on notice thereof.

Lacker v. Mort; decided May 17, 1924, by
Assistant Secretary Goodwin.

Desert Land--Railroad Land--Withdrawal--Statutes.--The desert-land act of March 3, 1877, which fixed the sum of 25 cents per acre as the price to be paid upon the initiation of all desert-land entries did not supersede and destroy the proviso to section 2357, Revised Statutes, which fixed a double price for reserved sections within the limits of a railroad grant.

Repayment--Desert Land--Railroad Land--Statutes.--A desert-land entryman, who was required to make an initial payment of 50 cents per acre for land within the reserved limits of a railroad grant, is not entitled to repayment under the repayment statutes on the ground that the desert-land act of March 3, 1877, fixed the initial price of 25 cents per acre for all desert-land entries.

Court and Departmental Decisions Cited, Applied, and Distinguished.--Case of United States v. Ingram (172 U. S., 327), cited and applied; case of James Byrne (50 L. D., 161), cited and distinguished.

Frank M. Czarnowski; decided April 24, 1924,
by Assistant Secretary Goodwin.

Chippewa Lands--Indian Lands--Homestead Entry--Timber Land--Relinquishment--Purchase--Payment.--Section 27 of the act of June 25, 1910, which provides for the sale of the pine timber on Chippewa Indian lands does not require the collection of the appraised price of the timber on an entry more than once.

Charles A. Thielen; decided May 19, 1924,
by Assistant Secretary Goodwin.

Survey--Commissioner of the General Land Office--Secretary of the Interior--Supervisory Authority.--Pursuant to the supervisory power over the public lands vested in the Secretary of the Interior by section 441, Revised Statutes, that officer is clothed with the authority to cancel a survey executed under the direction of the Commissioner of the General Land Office, which, in the opinion of the former, was unauthorized.

Warrant--Scrip--Private Entry--Survey.--By section 2514, Revised Statutes, the location of a military bounty land warrant was restricted to legal subdivisions of public lands of the United States, subject to private entry.

Private Entry--Survey--Notice--Purchase.--Prior to the subjection of public lands to private entry, four preliminary steps were required by the statutes, (a) survey into legal subdivisions; (b) a proclamation by the President exposing the lands to public sale; (c) publication of notice of sale; (d) offering at public outcry by the register of the United States land office of the district in which the lands were situated; and the lands remaining undisposed of at the close of such sale thereafter became subject to private entry.

Court Decision Cited and Applied--Prior Departmental Decisions
Adhered to.--Case of Knight v. United States Land Association (142 U. S., 161), cited and applied; cases of John Farson (2 L. D., 339), George W. Streeter et al. (21 L. D., 131), and Harvey M. LaFollette (26 L. D., 453), adhered to.

Herman Krueding and Elizabeth Schmidt,
(On reconsideration); decided May 20, 1924,
by Secretary Work.

Oil and Gas Lands--Prospecting Permit--Notice--Preference Right--
Statutes.--The provision in section 13 of the act of February 25, 1920, which gives a preference right to an oil and gas prospecting permit for six months following the marking and posting of notice upon lands in Alaska is to be construed to mean for six calendar months thereafter, and that the time shall expire at the close of an official day of the local office in the sixth month following posting which corresponds to the date of posting, unless such day does not occur in the sixth month, in which event the last day of that month will mark the expiration of the preference right period.

Oil and Gas Lands--Prospecting Permit--Application--Assignment.--
While the Department will refuse to approve the assignment of a mere application for an oil and gas prospecting permit, yet it may recognize, in connection with such application, persons who desire to become associated with the permittee in development of the land, and, in such event, will issue a permit to the applicant and his associates, if they be qualified.

Court and Departmental Decisions Cited and Applied.--Cases of Daley v. Anderson (48 Pac., 839), Daley v. Concordia Fire Insurance Company (65 Pac., 416), and United States v. Omdahl (25 L. D., 157), cited and applied.

Letnik Oil Association v. Davis et al.;
decided May 21, 1924, by First Assistant Secretary Finney.

National Forests--Relinquishment--Act of September 22, 1922--
Statutes.--The act of September 22, 1922, which provides for an exchange of national forest lands does not contemplate a forced exchange but authorizes the execution of a quitclaim deed where the former owner of the base land, after relinquishing it, declines to make the exchange.

National Forests--Relinquishment--Act of September 22, 1922--
Statutes.--The act of September 22, 1922, being a remedial statute should be
liberally construed so that its benefits may be extended to all those who
come fairly within its scope.

W. J. Carney; decided May 21, 1924, by
First Assistant Secretary Finney.

Warrant--Scrip--Records--Evidence.--Where the records of the General
Land Office fail to show that the locator of a military bounty land warrant
complied with the requirements of the regulations relating to the location
thereof, no presumption will arise that such location was perfected so as to
vest equitable title to the located land in the locator.

Warrant--Scrip--Vested Rights--Taxation.--The United States is not
divested of its equitable title to public land until there has been a full
compliance with all the conditions upon which the right to title depends, and,
prior to that time, a tax imposed upon the land by a State is void.

Warrant--Scrip--Purchaser--Tax Sale.--Where the equitable title to a
tract of land located under a military bounty land warrant fails to pass to
the locator because the location was not perfected, a purchaser of the land
at a tax sale by the State, who is not in privity with the warrant locator is
not entitled to make cash substitution.

Public Lands--Possession--Occupancy--Improvements--Preference Right--
Land Department--Supervisory Authority.--The Department will recognize a
preferred right to initiate and perfect title in one who, in good faith under
color of title, has taken possession, occupied and improved public land under
misunderstanding or misinformation as to his legal rights, and it is vested
with the discretion to hold the title in the United States until he may be
enabled to acquire title under existing law or by special act of Congress.

A. R. Bowdre et al., decided May 21, 1924,
by Assistant Secretary Goodwin.

Practice--Appeal--Notice--Prospecting Permit--Entry--Application--
Contest.--The rule that, where an appeal is taken from an order of dismissal
of an application to contest, service of notice of the appeal upon the entry-
man is not required, does not apply to appeals from the rejection of applica-
tions to make entry or for prospecting permits because of conflict with pre-
viously allowed entries or permits; in the latter class of appeals, service of
notice upon the entryman or permittee is compulsory.

Departmental Decision Cited and Applied.--Case of Delfino Cordova
and James R. Wilson (47 L. D., 608), cited and applied.

Instructions of May 21, 1924, by First
Assistant Secretary Finney.

Mining Claim--Patent.--Trap, or trap rock, a general name for dark fine-grained rock, found in broken-up fragments in a limited area, which is particularly suitable and can be profitably marketed for ballast, is, when the land in which it is contained is chiefly valuable for such, a valuable mineral deposit subject to appropriation and patent under the placer mining laws.

Court and Departmental Decisions Cited and Applied--Departmental Decisions Distinguished.--Cases of Northern Pacific Railroad Company v. Soderberg (188 U. S., 526), Castle v. Womble (19 L. D., 455), Pacific Coast Marble Company v. Northern Pacific Railroad Company (25 L. D., 233), and Cataract Gold Mining Company (43 L. D., 248), cited and applied; cases of Zimmerman v. Brunson (39 L. D., 310), and Stanislaus Electric Power Company (41 L. D., 655), distinguished.

Stephen E. Day, jr., et al.; decided May 21, 1924, by First Assistant Secretary Finney.

Preference Right--Purchase--Improvements--Cultivation--Survey--Secretary of the Interior--Supervisory Authority--Arkansas--Statutes.--The provision in section 2 of the act of September 21, 1922, requiring that applications for the exercise of preference rights accorded by the act to persons who had placed valuable improvements upon or reduced to cultivation the lands specified therein, be filed within ninety days from the passage of the act or from the filing of the plat of survey, is merely a limitation upon the exercise of the preference right privilege, and does not restrict the authority of the Secretary of the Interior, conferred by the general provisions of the act, to sell, in his judgment and discretion, the lands, not adversely claimed, to any citizen of the United States.

Fred Wallace; decided May 21, 1924, by First Assistant Secretary Finney.

Coal Lands--Trespass--Payment--Damages.--Moneys recovered for coal trespasses upon the public lands are covered into the United States Treasury as "Miscellaneous Receipts," irrespective of whether the trespasses occurred before or after the enactment of the leasing act of February 25, 1920, and no exception is made as to recoveries from persons who have been awarded leases under that act.

Coal Lands--Trespass--Lease.--Coal operations upon public lands, commenced prior to the award of a lease, by one who becomes a successful bidder for a lease at public auction, constitutes a trespass, notwithstanding that the operations were conducted by a potential lessee.

Coal Lands--Trespass--Lease--Application.--The mining of coal before the filing of an application for a coal lease by one equitably entitled thereto because of prior operations, constitutes a trespass, but all coal mined after the filing of the application, pursuant to which the lease is awarded, will be deemed to have been mined under the terms of the lease.

Coal Lands--Payment--Past Production--Words and Phrases.--The term "past production" as used in section 35 of the leasing act has particular reference to cases arising under section 18 of that act, where relief is authorized upon payment to the Government for the minerals produced prior to application for relief, and it has no applicability to coal production.

Departmental Decision Cited and Applied.--Case of Big-4 Consolidated Oil Company (49 L. D., 482), cited and applied.

Instructions of May 23, 1924, by
First Assistant Secretary Finney.

Forest Lieu Selection--Relinquishment--Purchaser.--The selection of land in lieu of a relinquished claim in a forest reserve under the act of June 4, 1897, can be exercised only by or in behalf of the owner of the land relinquished, and any defect of title in the purported owner of the base land is properly subject to objection as against the selector and equally against anyone claiming under the selector, except where title to the selected tract has passed from the Government and is held by a bona fide purchaser.

Forest Lieu Selection--Fraud--Purchaser.--The proviso to the act of March 3, 1905, which provides that, if for any reason not the fault of the party making the selection, a pending forest lieu selection is held invalid, another selection may be made in lieu thereof, does not authorize a purchaser of the unpatented selected tracts, without notice of fraud, to make a new selection, if the base land had been fraudulently acquired and the selection properly rejected.

Court and Departmental Decisions Cited and Distinguished.--Cases of United States v. Hyde (174 Fed., 175), and Thomas B. Walker (39 L. D., 64, 426), cited and distinguished.

Hiram M. Hamilton, Inland Lumber and Timber Co.
Transferee (On rehearing); decided May 26, 1924,
by First Assistant Secretary Finney.

Reclamation Homestead--Fees--Confirmation--Statutes.--Receipt for the payment of the final commissions at the date of the submission of proof of compliance with the ordinary provisions of the homestead law in connection with a reclamation homestead entry does not start the running of the confirmatory period in the proviso to section 7 of the act of March 3, 1891.

Reclamation Homestead--Confirmation--Final Proof--Fees--Water Right--Statutes.--The commencement of the running of the confirmatory period in the proviso to section 7 of the act of March 3, 1891, in connection with a reclamation homestead entry is the date on which receipt issues for payment of the required final commissions, after the entryman has conformed his entry to a farm unit, shown reclamation of one-half of irrigable area in such unit, assumed payment for a water right, made payment of all accrued water right charges, and submitted proof of these facts.

Instructions of May 26, 1924, by
First Assistant Secretary Finney.

Oil and Gas Lands--Prospecting Permit--Assignment.--The assignment of an oil and gas prospecting permit does not create separate and distinct obligations to the United States, but the assignee merely secures as to the land assigned the same right to prospect thereon which the permittee had, and drilling by either the permittee or the assignee is development for the entire permit.

Oil and Gas Lands--Prospecting Permit--Stock-raising Homestead--Improvements--Damages--Land Department--Courts--Jurisdiction.--The enforcement of the provision in section 9 of the act of December 29, 1916, which obligates one who goes upon lands within a stock-raising homestead entry to prospect for mineral to reimburse the entryman for injury to his permanent improvements is for the courts and not within the jurisdiction of the Land Department.

Oil and Gas Lands--Prospecting Permit--Lease--Stock-raising Homestead--Improvements--Surface Rights--Damages--Bond--Statutes.--The requirement in the act of December 29, 1916, that a bond be furnished as security of compensation for damage to the permanent improvements of a stock-raising homestead entryman is applicable only to persons acquiring rights to mine and remove the mineral deposits, but not, as does the act of July 17, 1914, to one who has been granted merely a prospecting permit.

Branch v. Brittan et al.; decided May 31, 1924,
by First Assistant Secretary Finney.

Coal Lands--Withdrawal--School Land--Utah.--A temporary withdrawal made with the view to classification and appraisal of land for its coal contents does not constitute a "reservation" within the meaning of the proviso to section 6 of the enabling act of July 16, 1894, relating to the grant of public lands to the State of Utah for school purposes.

Coal Lands--Withdrawal--Evidence--Utah.--A temporary withdrawal made prior to classification or reservation merely for withholding the land from disposition under the public land laws until further investigation can be made and a decision rendered as to the character of the land does not raise the presumption that the land is mineral nor does it dedicate it to any special purpose.

School Land--Vested Rights--Withdrawal--Coal Land--Evidence--Utah.--When the final act is performed which, under the law, would permit a school grant to attach, and there has been no reservation or classification of the land as mineral, the presumption arises that it became the property of the State under its grant.

School Land--Coal Lands--Survey--Vested Rights--Evidence--Burden of Proof--Utah.--The fact that at the date of the approval of the survey land within a designated school section was known to be coal in character does not, of itself, destroy the presumption that the land passed to the State under its school land grant, and, to overcome that presumption, the Government must assume and sustain the burden of proof.

Court and Departmental Decisions Cited, Applied, and Distinguished.--Cases of United States v. Morrison (240 U. S., 192), and State of Utah, Pleasant Valley Coal Company, Intervener v. Braffet (49 L. D., 212), cited and applied; cases of Albert E. Dorff (50 L. D., 219), and State of Utah v. Lichliter (50 L. D., 231), cited and distinguished.

George G. Frandsen; decided May 31, 1924,
by First Assistant Secretary Finney.

Oil and Gas Lands--Prospecting Permit--Application--Oklahoma.--The allowance of an application for any interest in public lands is, as a rule, controlled by the status of the land at the time of the allowance, rather than at the date of the application, and where, at the time action upon an application for a permit to prospect for oil and gas in the bed of Red River, Oklahoma, was taken, the lands were sub judice, rejection of the application was proper.

Oil and Gas Lands--Prospecting Permit--Application--Oklahoma.--No such right is acquired by the filing of an oil and gas prospecting permit application under the act of February 25, 1920, as will prevent its allowance from being controlled by circumstances arising after its presentation or its rejection under later statutes.

Charles West (On petition); decided May 31, 1924,
by First Assistant Secretary Finney.

Mining Claim--Water Right--Patent.--The use of water in a shaft for the grazing of cattle by the locator upon lands within his mining location is merely incidental to the primary purpose of the claim and does not affect the locator's right to a patent, in the absence of abandonment or forfeiture of the claim, where a discovery of mineral and the expenditures prescribed by the mining laws as pre-requisite to patent had been made.

School Land--Indemnity--Selection--Mineral Land--Patent--Secretary of the Interior--Land Department--Jurisdiction--Arizona--Statutes.--Congress, in providing in section 29 of the act of June 20, 1910, that indemnity school selections by the State of Arizona should be made subject to the approval of the Secretary of the Interior, who is charged with the duty of determining the character of public lands, intended that such approval should constitute a finding that the lands were of a character which made them subject to selection under the act and be equivalent to a patent, thus depriving the Land Department of further jurisdiction thereover, even though the determination as to the character of the land was erroneous; after such approval, the provisions of section 2449, Revised Statutes, that the question of mineral character shall remain open is inapplicable.

Departmental Decisions Cited, Applied, and Distinguished.--Case of Sewell A. Knapp (49 L. D., 152), cited and applied; case of Grand Canyon Railway Company v. Cameron (36 L. D., 66), cited and distinguished.

Fred S. Porter et al.; decided May 31, 1924,
by First Assistant Secretary Finney.

Oil and Gas Lands--Soldiers' Additional--Application.--The designation of land as being within the geologic structure of a producing oil field after the filing of an application to make a soldiers' additional entry thereof is not a ground for the rejection of the application.

Oil and Gas Lands--Prospecting Permit--Soldiers' Additional--Surface Rights.--Where an oil and gas prospecting permit has been issued prior to the initiation of a claim under the non-mineral land laws, an entry may be allowed only as to the surface, and subject to the prior right of the permittee to the use thereof as prescribed in section 29 of the leasing act, and the permittee should be afforded an opportunity to show cause why a surface entry should not be allowed.

Oil and Gas Lands--Prospecting Permit--Soldiers' Additional--Surface Rights--Evidence.--An entry for land segregated by the prior issuance of an oil and gas prospecting permit can be allowed only for so much of the surface as is not necessary for the operations of the permittee, and the fact that the geologic structure within which the land is situated is producing is a circumstance properly to be considered, but does not change the situation as to the rights of the parties.

Oil and Gas Lands--Prospecting Permit--Soldiers' Additional--Right of Way--Surface Rights--Trespass.--While an entry upon land, segregated by a previously issued oil and gas prospecting permit, and the construction of a reservoir thereupon without protest by the permittee, in anticipation of the allowance of a soldiers' additional homestead application which depended wholly upon departmental discretion for its validity, is not an entry under color of right, but a trespass, yet, where it is shown that the reservoir is reasonably essential to the working of the land under lease and that the interests of the Government will best be protected through the granting of a revocable permit, an easement may be granted pursuant to the act of February 15, 1901.

Departmental Decision Cited and Applied.--Case of Carlin v. Casariel (50 L. D., ____), cited and applied.

Jackson v. Pewters et al.; decided May 31, 1924,
by First Assistant Secretary Finney.

CONFIRMATION--RECLAMATION HOMESTEAD ENTRY.

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DEPARTMENT OF THE INTERIOR

Washington

May 26, 1924.

The Commissioner of the

: Miles City 01556
: Waterville 03999

General Land Office.

Dear Mr. Commissioner:

The Department has considered your letter ("A"-W J H) of April 29 last, requesting instructions as to whether the proviso to section 7 of the act of March 3, 1891 (26 Stat., 1095), is applicable to cases in which final commissions were paid at the date of proof of compliance with the ordinary requirements of the homestead law on entries made subject to the reclamation act of June 17, 1902 (32 Stat., 388).

The purpose of the said proviso was to relieve a congestion of suspended entries in the General Land Office, and to avoid such congestion in the future. It was intended to operate upon all the cases of the classes named therein wherein the entryman had done all the formal acts to and including the submission of final proof and final payments, regardless of the sufficiency of such proof, provided no action adverse to the proof--protest or contest--was initiated within two years from the date of the receiver's final receipt. It put the entryman in the position of one who had earned patent, and in addition made the issuance of patent mandatory. The confirmatory period begins to run from the date "of the issuance of the receiver's receipt upon the final entry of any tract of land under the homestead * * * laws."

In its decision in the case of Thomas J. Stockley et al., v. United States (260 U. S., 532), the Supreme Court of the United States quoted with approval the instructions of June 4, 1914 (43 L. D., 322), wherein it was said (page 323):

There is no doubt that Congress chose the date of the receiver's receipt rather than of the certificate of the register as controlling, for the reason that payment by the claimant marks the end of compliance by him with the requirements of law.

In the case of a homestead entry which is made subject to the provisions of the reclamation act, the confirmatory period, if the act of 1891 applies at all, can not begin to run upon submission of proof of compliance with the general requirements of the homestead law, for the following reasons:

First: Such a proof does not, under the law, entitle the entryman to a patent, even if the proof is in all respects satisfactory.

Second: In practice no receiver's final receipt issues at the time of the submission of such proof, and in law no final receipt could issue at that time, for, in the language of the Supreme Court and the Department, as heretofore indicated, the perfection of such proof by payment of the final commissions would not mark "the end of compliance by him with the requirements of law."

Of course the Land Department can not avoid the effect of the act of 1891 by a mere change of practice in the matter of issuing receipts or requiring payments; but the reclamation law has created a condition whereby a point in the perfection of the entry such as was contemplated by the act of 1891 can not readily arise. As the Supreme Court said, the proviso today means nothing more nor less than it did when it was enacted, but the reclamation law has eliminated, as a fixed point, that conjunction of events which marked the beginning of the period of confirmation contemplated by the proviso.

In other words, the proof of compliance with the ordinary provisions of the homestead law does not complete the entry nor confer a right to a patent. There must be reclamation of the land and payments made on a water right. If the claimant conforms his entry to a farm unit, shows reclamation of one-half the irrigable area in such unit, assumes the payment for a water right, pays all the water right charges which have accrued, makes proof of these facts, and pays the required final commissions, for which receipt issues, he becomes entitled to a patent which reserves a lien on the land for all sums due the Government; and the act of 1891 then begins to operate.

You are therefore instructed that the receipt for the payment of the final commissions at the date of the submission of proof of compliance with the ordinary provisions of the homestead law in connection with a reclamation entry does not start the running of the confirmatory period provided for by the act of 1891.

With your letter you forwarded two cases--Miles City 01556 and Waterville 03999.

In the Miles City case, the entry was made May 31, 1905, and was conformed to a farm unit on January 22, 1914. Proof of compliance with the ordinary requirements of the homestead law was submitted July 11, 1910, and was accepted as satisfactory by your office on April 21, 1911. On June 7, 1920, the required proof of reclamation was furnished, but in the meantime a portion of the land had been included in Lower Yellowstone Irrigation District No. 1, and final certificate did not issue until May 29, 1923. The land was withdrawn as valuable for coal on April 20, 1910, and is now classified at \$20 per acre. Entryman has not elected to accept a patent containing the provisions and reservations of the act of March 3, 1909 (35 Stat., 844), nor has he been required to file such an election. Upon the completion of satisfactory proof of

reclamation, the receipt for the final commissions issued on July 15, 1910, became on June 7, 1920, a "receiver's receipt upon the final entry," and under the proviso to the act of 1891 it is now too late to issue any requirements under the coal land classification.

In the case of Waterville 03999, the entry was made for a farm unit on October 27, 1906, and satisfactory proof of compliance with the ordinary provisions of the homestead law was submitted October 28, 1911. On May 15, 1913, the project manager filed in the local office a final reclamation affidavit by entryman, and a report to the effect that 34 acres of the unit are irrigable; that practically all the land has been cleared and cultivated, but there is no evidence of the growing of a crop; that 10.8 acres were planted to orchard, but only 6.7 acres of the trees are alive, and ditches had been constructed for the irrigation of only 6.7 acres. There were no water right charges delinquent against the land, but the project manager recommended that patent be withheld until further showing has been made as to reclamation and cultivation. The final commissions (\$1.50) were forwarded through the project manager, and on May 15, 1913, the receiver issued his receipt therefor. You have taken no action in the matter, and the entryman has made no further showing. The confirmatory period began to run on May 15, 1913, and it is now too late to require any further showing.

Very truly yours,

E. C. FINNEY,

First Assistant Secretary.

OIL AND GAS PROSPECTING PERMITS--EXTENSION OF TIME.

DEPARTMENT OF THE INTERIOR

Washington

A. 6742-6793.

June 3, 1924.

The Commissioner

of the General Land Office.

Dear Mr. Commissioner:

There are herewith the Department's decisions in the cases A. 6742 of Douglas S. Watson v. John C. Chaney et al., and A. 6793 of Ervin S. Armstrong v. Edwin A. McKanna, in which the cancellations of oil and gas prospecting permits, heretofore issued to the appellants under section 13 of the leasing act of February 25, 1920 (41 Stat., 437), are affirmed.

These permits were issued for lands in the Kettleman Hills structure in California, and no substantial progress was made toward development until after the drilling of a test well by the General Petroleum Company elsewhere in the field was reported. Thereafter, belated efforts were made by the permittees to show diligence and good faith in the matter of complying with the drilling requirements of their permits. This, the Department has just failed to recognize.

The situation disclosed by these records is one which appears to be common in a number of fields, and requires some modification of the present practice with respect to extensions of time and the issuance of permits.

Section 13 of the leasing act restricts the issuance of permits only to areas outside known geological structures of producing oil and gas fields, but consideration of the remaining provisions of the act and its general purpose is convincing that there are much narrower limits outside of which permits may not properly be issued.

Comparison of the provisions of sections 13 and 14 and section 17 of the leasing act clearly indicates that the prospecting contemplated as necessary to entitle a permittee to a "reward for discovery" as provided in section 14 was primarily such prospecting as brought into production a new field or extended the known limits of a field already producing, and that the remaining land within the geologic structure of the newly proved field should be offered for lease under section 17 of said act in tracts of not to exceed 640 acres to the highest bidder, or in such other manner as was found to be to the best interests of the Government.

The area authorized to be leased under section 14, i.e., 2,560 acres, was clearly intended to constitute an added inducement to insure prospecting operations in unproven territories, and not to indicate the largest area which could reasonably be tested by one well. On the contrary, the Department has long recognized that one well drilled in an advantageous position upon a geologic structure covering many times 2,560 acres was a sufficient test, if

successful, to warrant the definition of the entire structure as producing and subject to lease, and has also accepted evidence of substantial contributions to the cost of a single test well upon such a structure as diligence in compliance with the terms of prospecting permits sufficient to warrant extensions of time under the act of January 11, 1922 (42 Stat., 356).

The Department has been extremely liberal in the exercise of the discretion vested in it by the leasing act in the matter of issuing prospecting permits and in extending the time for compliance with the drilling requirements of permits; and has, by the instructions of April 23, 1921 (48 L. D., 98), given a mere application for permit, filed before a discovery of oil, for lands in the same structure, the same segregative effect as an issued permit, and insured to the applicant a right to a permit upon lands which, at the time of the issuance of the permit after delays incident to administration of the act, might have been demonstrated to be valuable for oil and gas by a discovery near by. Such permittee thereby becomes entitled to a reward for discovery by a lease for one-fourth of the land in the permitted area at a royalty of 5 per cent, and a preference right to lease the rest without paying any bonus therefor, although it was, at that time, practically certain that oil would be found, and, but for the segregating permit application or permit, the lands could have been leased at a higher royalty to the party offering the highest bonus therefor.

These liberal regulations have been made in order to encourage the prospecting of undeveloped area; and, in many cases, as in the cases herewith, permits have issued and nothing has been done by the permittees, who evidently awaited development by others and hoped, upon the proving of the structure, to then secure drilling, and, upon discovery, claim a reward which was primarily intended for the persons proving the structure, and, in addition, to secure a lease of an enlarged area by virtue of preference rather than by competitive bidding for units of 640 acres.

The Department can not sanction such practices, but, in the exercise of the discretion vested in it by the leasing act, and in order to fulfill the plain purposes of such act and to conserve to the Government valuable rights, must cancel such permits, and withhold the land from further disposal pending the outcome of tests upon these structures, and, if oil or gas is discovered, hold the lands for lease as contemplated by section 17 of the leasing act.

While the interests of Watson and Armstrong are terminated and their permits canceled by the Department's decision, you will not cause the restoration of the land by notation of such cancellation in the local office, nor open it to the filing and drawing provided in instructions of April 23, 1924 (50 L. D., _____), until the outcome of the well now being drilled has been ascertained by the Department.

I have further to direct that such permittees, in this and other fields where drilling is progressing, as appear to be in default in the compliance with the drilling requirements of their permits be required to show compliance with the terms of said permits or such diligence as clearly warrants extensions of time, on penalty of the cancellation of such permits; and that such cancellations as are made shall not be followed by the opening of

the land to further permit applications until it appears that the test well has failed to result in proving the land to be within a producing structure. If within such structure, the lands will, of course, be held for lease under section 17 of the leasing act.

In ascertaining whether wells are being drilled and the results of such tests, the assistance of the Geological Survey and the Bureau of Mines may be enlisted, and such arrangement made for securing this data as is mutually agreeable.

Sincerely,

E. C. FINNEY,

First Assistant Secretary.

Copy for Geological Survey.

Copy for Bureau of Mines.

RIPARIAN RIGHTS--ACCRETION--AVULSION.

DEPARTMENT OF THE INTERIOR
General Land Office
Washington

June 19, 1924

The Commissioner of the
General Land Office.

Dear Mr. Commissioner:

Consideration has been given to your request ("FS" F. P. T. O'Neil, 04319, 04321), for instructions as to the advisability of recommending a suit on behalf of the Government to establish its own right, and the rights of John W. Wallace and others under their entries, to lands claimed by A. J. Abbott as accretions to patented lands owned by him.

The following are the pertinent facts: The lands involved were regularly surveyed by the Government in 1858 as parts of sections 2, 3, and 10 in T. 33 N., R. 4 W., 6th P. M., and the map compiled from that survey is now the prevailing official plat of said land inasmuch as no later survey has been made by the United States.

That plat shows that the tracts in question lie within a sharp bend or elbow of the Missouri River and form its right bank on their east, south, and west sides; but since the date of the survey the river has so far shifted its course as to leave them, and a considerable area of other lands on its left or north bank, and has located its present bed south of these tracts, and as much as two miles in some places from its former channel.

Abbott claims ownership of all these tracts as accretions to the lands owned by him on the north and east bank of the river as it ran in 1858 and opposite the tracts in question. Abbott's claim has been sustained in an action brought by him against Wallace and others in a local State court; and it was also held in another action between adverse claimants that portions of other lands affected by the change in the course of the river belong to the riparian owners north of the river as accretions.

This situation was very fully investigated and reported on by a special agent of your office who furnished the affidavits of numerous witnesses for the purpose of showing the character of, and the manner in which this change in the course of the river occurred. Some of these witnesses testified that the change was due to the gradual processes of erosion which caused the right bank of the river to be washed away and the left to be extended by gradual and imperceptible accretions, which continued during a long period of time. Other witnesses say that the change resulted suddenly from the formation of the present channel through a cut-off which occurred during periods of unusually high water.

Your office concurs in the opinion of the special agent that the weight of the testimony furnished with his report justifies the conclusion that the present situation resulted from avulsion or a very sudden change and not from

relictions or accretions during a long course of time; and that, therefore, the land in question continued to belong to the Government and can not be claimed by Abbott.

It appears probable that neither the special agent nor the courts mentioned gave consideration to the fact that the established rules of law as to acquisition of lands by dereliction and accretion are not controlling in this case, and overlooked the recognized doctrine that although a riparian owner's title may be affected by the encroachment of submerging waters, a complete and unimpeachable proprietorship returns to him by the later reappearance of his land above the water if the identity of the land can be established with reasonable certainty.

The facts in the case are strikingly and controllingly identical with those in the case of Hughes et al. v. Birney's Heirs et al. (32 So. Rpts., 30).

After noting the washing away and submergence of the land involved in that case and its gradual reappearance through the action of the river which had formerly caused this erosion, the court said:

The land--the same fractional sections which defendants or their authors owned--is there now. It was a case of temporary submergence. The river went over it, and in doing so carried away its surface to about the usual depth of the river at that point. But the river did not remain upon the land. It settled itself in a permanent channel south of it, and then proceeded to uncover the land it had passed over. It did this by its deposits and withdrawal of its waters. Dry land at the same place as before the submergence is there now, susceptible of survey and identification as per the original lines of the Government survey. Indeed, it was surveyed under order of court in this very case, and the old lines in part run out. Under these circumstances we hold that title to the fractional sections which defendants' authors acquired did not pass from defendants by reason of the river going over the land and occupying it for a time.

The conclusions of the court in that case are fully sustained by the text and numerous cases cited in 29 Cyc., 352, and the doctrine invoked by it was lately applied by this Department in Stricker et al. (50 L. D. ____).

From this it will be seen that it is not necessary to look closely to the question as to whether the preponderance of the evidence at hand shows that the present situation resulted from a reliction and accretion or from avulsion because if, as Abbott claims, the lands were formed by an accretion that fact would not entitle him to claim ownership.

It is not believed, however, that suits on behalf of the Government should be ordered at this time or at all until further inquiry has been made as to the relative equities of the adverse claimants and other pertinent circumstances and until the riparian claimants have been further heard.

It is therefore directed that each party in interest be furnished with a copy of this communication and that the riparian claimants be given ample opportunity to show cause why the Government should not take steps necessary to the assertion of title in its own behalf and in the interest of persons claiming under the public land laws.

A copy of each of the showings made under this requirement should be served by the person making it on each of the persons claiming adversely to him. The persons so served should be given opportunity to file showings in rebuttal and all showings should be made in the form of corroborated affidavits and may be supported by such arguments as the claimants may care to present.

In order that the purpose of this further inquiry may be clearly understood, it may be stated that the object is to obtain information in respect to actual possession, improvements, etc., of the land involved by the respective claimants in order that equities may be appropriately protected.

After all the showings mentioned have been made, or in case of default in the making thereof, your office will again consider the case and make appropriate recommendation to this Department under the facts then disclosed.

Very truly yours,

E. C. FINNEY,

First Assistant Secretary.

SAN CARLOS RECLAMATION PROJECT.

DEPARTMENT OF THE INTERIOR
General Land Office
Washington

June 23, 1924.

Order of Suspension.

Register and Receiver,
Phoenix, Arizona.

Gentlemen:

June 18, 1924, the Department issued the following order:

Act of Congress approved June 7, 1924 (Public No. 210), 68th Congress, authorized the construction of a dam in the Gila River, near San Carlos, Arizona, as a part of the San Carlos irrigation project, and the expenditure of not exceeding \$5,500,000 for said project, the cost to be--

'distributed equally per acre among the lands in Indian ownership and the lands in public or private ownership that can be served from the waters impounded by said dam.'

There is a large number of pending desert and homestead entries covering lands within the possible limits of the San Carlos project. Under the desert-land laws entrymen are required to expend a fixed amount annually for improvements or development of the lands entered, and to, within a period fixed by law, obtain a water supply for the irrigation of the lands. Homestead entrymen are required to perform specified improvement and cultivation of the lands entered under that law.

Unless and until water can be secured from some source for the irrigation of the lands, successful cultivation and the raising of crops is **infeasible**.

How many acres of public lands, entered or otherwise, may be served with water from this project can not at this time be determined.

Expenditure by these entrymen of money for the cultivation or attempted reclamation of the lands would serve no good purpose, and would entail a useless and unnecessary expense as to those particular lands which are ultimately included within the irrigation project, and required to bear their proportionate share of the cost of the reclamation project.

Accordingly, it is hereby directed that all homestead and desert-land entries, made by qualified persons and otherwise regular, are and shall remain suspended until further orders and pending formation of the district provided for in said act. Hearings or other Government proceedings directed against entrymen on the ground that they have failed to reclaim their lands, cultivate the same, or produce crops thereon, are also suspended.

The object of this order is to hold such entries in statu quo, toll the further running of the statute during the period of suspension, and protect the rights and equities of the entry-

men pending determination as to whether or not their lands, or any of them, can and will be reclaimed under the San Carlos project.

You will issue proper instructions to the register and receiver hereunder.

There is appended hereto a list of lands within the exterior limits of the San Carlos project as at present constituted, and all homestead and desert-land entries, any part of which are within the limits of said project as described, are subject to the suspension and action thereon is suspended until further notice.

This suspension includes hearings heretofore ordered in connection with entries within or partially within the limits of said project.

(For list of lands affected, see order of withdrawal that follows.)

You will note this suspension upon your records and post a copy hereof in your office. Also give as much general publicity to the same as may be, without expense to the Government.

Very respectfully,

WILLIAM SPRY,

Commissioner.

Approved: June 23, 1924.

E. C. FINNEY,

First Assistant Secretary.

SAN CARLOS RECLAMATION PROJECT.

DEPARTMENT OF THE INTERIOR
General Land Office
Washington.

June 23, 1924.

Order of Withdrawal.

The Honorable

The Secretary of the Interior
(Through the Commissioner of Indian Affairs).

Sir:

In compliance with the directions contained in your order of June 18, 1924, there is transmitted herewith draft of an executive order pursuant to the provisions of the act of June 25, 1910 (36 Stat., 847), as amended by the act of August 24, 1912 (37 Stat., 497), withdrawing from entry or other disposition under the public land laws of the United States, all lands within the limits of the San Carlos Irrigation Project, as at present contemplated, and in aid of the act of Congress approved June 7, 1924 (Public No. 210).

The records of this office show no reason why the order should not be signed and the withdrawal is recommended.

Very respectfully,

WILLIAM SPRY,

Commissioner.

I concur:

CHARLES H. BURKE,

Commissioner of Indian Affairs.

June 23, 1924.

Respectfully referred to the President
with favorable recommendation:

E. C. FINNEY,

First Assistant Secretary.

ORDER OF WITHDRAWAL--SAN CARLOS PROJECT.

Under and pursuant to the provisions of the act of Congress approved June 25, 1910 (36 Stat., 847), entitled "An act to authorize the President of the United States to make withdrawals of public lands in certain cases," as amended by the act of Congress approved August 24, 1912 (37 Stat., 497), it is hereby ordered, that the lands hereinafter described be, and the same are hereby, in so far as the title thereto remains in the United States, withdrawn from settlement, location, sale or entry, for classification, and for determination as to whether or not they shall or will be included within the limits of the San Carlos Irrigation Project, as finally determined.

Lands Embraced in San Carlos Project.

T. 6 S., R. 5 E., Sec. 10, all.
Sec. 13, all.
Sec. 14, all.
Sec. 15, all.
Sec. 23, all.
Sec. 24, all.
Sec. 25, all.
Sec. 26, all.
Sec. 35, all.
Sec. 36, all.

T. 7 S., R. 5 E., Sec. 1, all.

T. 6 S., R. 6 E., Sec. 18, $W\frac{1}{2}$.
Sec. 19, all.
Sec. 20, all.
Sec. 21, all.
Sec. 22, all.
Sec. 23, all.
Sec. 24, all.
Sec. 25, all.
Sec. 26, all.
Sec. 27, all.
Sec. 28, all.
Sec. 29, all.
Sec. 30, all.
Sec. 31, all.
Sec. 32, all.
Sec. 33, all.
Sec. 34, all.
Sec. 35, all.
Sec. 36, all.

T. 7 S., R. 6 E., Sec. 1, all.
Sec. 2, all.
Sec. 3, all.
Sec. 4, all.
Sec. 5, all.
Sec. 6, all.
Sec. 7, $N\frac{1}{2}$ $NE\frac{1}{4}$.
Sec. 8, $N\frac{1}{2}$ $NE\frac{1}{4}$.
Sec. 9, $N\frac{1}{2}$ $NE\frac{1}{4}$.
Sec. 10, $N\frac{1}{2}$ $NE\frac{1}{4}$.

T. 5 S., R. 7 E., Sec. 12, $SE\frac{1}{4}$ $NE\frac{1}{4}$, $SE\frac{1}{4}$.
Sec. 13, $E\frac{1}{2}$ $NE\frac{1}{4}$, $NW\frac{1}{4}$ $NE\frac{1}{4}$, $E\frac{1}{2}$ $SE\frac{1}{4}$.

T. 6 S., R. 7 E., Sec. 12, $S\frac{1}{2}$.

Sec. 13, all.

Sec. 14, all.

Sec. 15, all.

Sec. 19, all.

Sec. 20, all.

Sec. 21, all.

Sec. 22, all.

Sec. 23, all.

Sec. 24, all.

Sec. 25, all.

Sec. 26, all.

Sec. 27, all.

Sec. 28, all.

Sec. 29, all.

Sec. 30, all.

Sec. 31, all.

Sec. 32, all.

Sec. 33, $N\frac{1}{2}$, $N\frac{1}{2}$ $S\frac{1}{2}$, $S\frac{1}{2}$ $SW\frac{1}{4}$, $SW\frac{1}{4}$ $SE\frac{1}{4}$.

Sec. 34, $N\frac{1}{2}$ $N\frac{1}{2}$, $S\frac{1}{2}$ $NW\frac{1}{4}$, $SW\frac{1}{4}$ $NE\frac{1}{4}$, $N\frac{1}{2}$ $SW\frac{1}{4}$.

Sec. 35, $N\frac{1}{2}$ $N\frac{1}{2}$.

Sec. 36, $N\frac{1}{2}$ $N\frac{1}{2}$.

T. 7 S., R. 7 E., Sec. 5, $NW\frac{1}{4}$ $NW\frac{1}{4}$.

Sec. 6, $N\frac{1}{2}$, $N\frac{1}{2}$ $S\frac{1}{2}$, $S\frac{1}{2}$ $SW\frac{1}{4}$.

T. 4 S., R. 8 E., Sec. 25, $SE\frac{1}{4}$.

Sec. 35, $SW\frac{1}{4}$ and $E\frac{1}{2}$.

Sec. 36, all.

T. 5 S., R. 8 E., Sec. 1, all.

Sec. 2, all.

Sec. 3, $E\frac{1}{2}$.

Sec. 5, $S\frac{1}{2}$.

Sec. 6, $S\frac{1}{2}$ $NE\frac{1}{4}$, $N\frac{1}{2}$ $SE\frac{1}{4}$.

Sec. 7, all.

Sec. 8, all.

Sec. 9, all.

Sec. 10, $S\frac{1}{2}$ and $NE\frac{1}{4}$.

Sec. 11, all.

Sec. 12, all.

Sec. 13, all.

Sec. 14, all.

Sec. 15, all.

Sec. 16, all.

Sec. 17, all.

Sec. 18, all.

Sec. 19, $N\frac{1}{2}$ $NW\frac{1}{4}$, $SE\frac{1}{4}$ $NW\frac{1}{4}$, $NE\frac{1}{4}$, $NE\frac{1}{4}$ $SE\frac{1}{4}$.

Sec. 20, all.

Sec. 21, all.

Sec. 22, all.

Sec. 23, all.

Sec. 24, all.

Sec. 25, all.

T. 5 S., R. 8 E., Sec. 26, all.
 Sec. 27, all.
 Sec. 28, all.
 Sec. 29, all except the $SW\frac{1}{4}$ $SW\frac{1}{4}$.
 Sec. 32, $N\frac{1}{2}$ $NE\frac{1}{4}$.
 Sec. 33, all except the $S\frac{1}{2}$ $SW\frac{1}{4}$.
 Sec. 34, all.
 Sec. 35, all.
 Sec. 36, all.

T. 6 S., R. 8 E., Sec. 1, all.
 Sec. 2, all.
 Sec. 3, all but the $SW\frac{1}{4}$ $SW\frac{1}{4}$.
 Sec. 4, $E\frac{1}{2}$ $NE\frac{1}{4}$, $NW\frac{1}{4}$ $NE\frac{1}{4}$.
 Sec. 7, $S\frac{1}{2}$.
 Sec. 8, $S\frac{1}{2}$.
 Sec. 9, $S\frac{1}{2}$.
 Sec. 10, $NE\frac{1}{4}$, $E\frac{1}{2}$ $SE\frac{1}{4}$.
 Sec. 11, all.
 Sec. 12, all.
 Sec. 13, all.
 Sec. 14, all.
 Sec. 15, all.
 Sec. 16, all.
 Sec. 17, all.
 Sec. 18, all.
 Sec. 19, all.
 Sec. 20, all.
 Sec. 21, all.
 Sec. 22, all.
 Sec. 23, all.
 Sec. 24, all.
 Sec. 25, $NW\frac{1}{4}$ $NW\frac{1}{4}$.
 Sec. 26, all but the $SE\frac{1}{4}$ $SE\frac{1}{4}$.
 Sec. 27, all.
 Sec. 28, $N\frac{1}{2}$, $N\frac{1}{2}$ $S\frac{1}{2}$, $SE\frac{1}{4}$ $SE\frac{1}{4}$.
 Sec. 29, $N\frac{1}{2}$, $N\frac{1}{2}$ $S\frac{1}{2}$.
 Sec. 30, all but the $SE\frac{1}{4}$ $SE\frac{1}{4}$.
 Sec. 34, $N\frac{1}{2}$ $N\frac{1}{2}$.
 Sec. 35, $NW\frac{1}{4}$.

T. 4 S., R. 9 E., Sec. 25, all.
 Sec. 26, all.
 Sec. 27, $S\frac{1}{2}$ $NE\frac{1}{4}$, $S\frac{1}{2}$.
 Sec. 28, $S\frac{1}{2}$.
 Sec. 29, $S\frac{1}{2}$.
 Sec. 30, $S\frac{1}{2}$.
 Sec. 31, all.
 Sec. 32, all.
 Sec. 33, all.
 Sec. 34, all.
 Sec. 35, all.
 Sec. 36, all.

- T. 5 S., R. 9 E., Sec. 1, all except the $SE\frac{1}{4}$ $SE\frac{1}{4}$.
 Sec. 2, all.
 Sec. 3, all.
 Sec. 4, all.
 Sec. 5, all.
 Sec. 6, all.
 Sec. 7, all.
 Sec. 8, all.
 Sec. 9, all.
 Sec. 10, all.
 Sec. 11, all but the $S\frac{1}{2}$ $SE\frac{1}{4}$, $NE\frac{1}{4}$ $SE\frac{1}{4}$.
 Sec. 12, $NW\frac{1}{4}$.
 Sec. 14, $N\frac{1}{2}$ $NW\frac{1}{4}$, $SW\frac{1}{4}$ $NW\frac{1}{4}$, $NW\frac{1}{4}$ $SW\frac{1}{4}$.
 Sec. 15, all.
 Sec. 16, all.
 Sec. 17, all.
 Sec. 18, all.
 Sec. 19, all.
 Sec. 20, all.
 Sec. 21, all.
 Sec. 22, $NW\frac{1}{4}$, $NW\frac{1}{4}$ $NE\frac{1}{4}$, $W\frac{1}{2}$ $SW\frac{1}{4}$.
 Sec. 28, $W\frac{1}{2}$, $W\frac{1}{2}$ $NE\frac{1}{4}$, $NE\frac{1}{4}$ $NE\frac{1}{4}$.
 Sec. 29, all.
 Sec. 30, all.
 Sec. 31, all.
 Sec. 32, all.
 Sec. 33, $NW\frac{1}{4}$ $NW\frac{1}{4}$.
- T. 6 S., R. 9 E., Sec. 5, $W\frac{1}{2}$ $NW\frac{1}{4}$.
 Sec. 6, all.
 Sec. 7, all.
 Sec. 18, $W\frac{1}{2}$, $W\frac{1}{2}$ $NE\frac{1}{4}$.
 Sec. 19, $W\frac{1}{2}$.
- T. 4 S., R. 10 E., Sec. 10, $S\frac{1}{2}$.
 Sec. 11, all.
 Sec. 12, all.
 Sec. 13, $N\frac{1}{2}$ $N\frac{1}{2}$.
 Sec. 14, $N\frac{1}{2}$ $N\frac{1}{2}$, $SW\frac{1}{4}$ $NW\frac{1}{4}$, $NW\frac{1}{4}$ $SW\frac{1}{4}$.
 Sec. 15, all but the $SE\frac{1}{4}$ $SE\frac{1}{4}$.
 Sec. 16, all.
 Sec. 17, $E\frac{1}{2}$, $S\frac{1}{2}$ $SW\frac{1}{4}$.
 Sec. 18, $SE\frac{1}{4}$ $SE\frac{1}{4}$.
 Sec. 19, $E\frac{1}{2}$, $SW\frac{1}{4}$.
 Sec. 20, all.
 Sec. 21, all.
 Sec. 22, $NW\frac{1}{4}$.
 Sec. 28, $NW\frac{1}{4}$, $NW\frac{1}{4}$ $NE\frac{1}{4}$, $N\frac{1}{2}$ $SW\frac{1}{4}$, $SW\frac{1}{4}$ $SW\frac{1}{4}$.

T. 4 S., R. 10 E., Sec. 29, all.

Sec. 30, all.

Sec. 31, all.

Sec. 32, $N\frac{1}{2} NE\frac{1}{4}$, $SW\frac{1}{4} SE\frac{1}{4}$, $NW\frac{1}{4}$, $N\frac{1}{2} SW\frac{1}{4}$,

$SW\frac{1}{4} SW\frac{1}{4}$.

T. 5 S., R. 10 E., Sec. $NW\frac{1}{4} NE\frac{1}{4}$, $NW\frac{1}{4}$, $NW\frac{1}{4} SW\frac{1}{4}$.

June 24, 1924.

CALVIN COOLIDGE,

President.

Circular No. 937.
(In lieu of Circular No. 916.)

REGULATIONS GOVERNING THE SALE OF UNSOLD TRACTS IN THE GIG HARBOR
ABANDONED MILITARY RESERVATION, SECTIONS 5 AND 8, T. 21 N., R.
2 E., W. M., WASHINGTON.

DEPARTMENT OF THE INTERIOR
General Land Office
Washington

May 26, 1924.

Register and Receiver,

Seattle, Washington.

Gentlemen:

On April 29, 1921 (Circular No. 752, 48 L. D., 100), instructions relative to the disposal of certain lands within the Gig Harbor Abandoned Military Reservation, Secs. 5 and 8, T. 21 N., R. 2 E., W. M., Washington, were approved and settlers in actual occupation of any portions of the said lands were allowed to purchase same under the act of Congress approved March 3, 1919 (40 Stat., 1319).

Ninety days from the date of the approval of said instructions were allowed within which the actual occupants thereof could file their applications to purchase under the provisions of said act. Lands remaining unsold within the time allowed were subject to disposal at public sale under the act of July 5, 1884 (23 Stat., 103). All the lands covered by the above instructions were applied for under the preference right provisions as set out in the instructions with the exception of certain lands hereinafter described, which will now be offered for sale for cash and at not less than the appraised value thereof to the highest bidder at your office and under your supervision, commencing at 10 o'clock a. m., on August 20, 1924.

Bids may be made in person or by agent, but will not be received through the mail. Purchasers will not be required to show qualifications as to age or citizenship or to make any showing as to the amount or character of public lands heretofore acquired by them under any laws. Payment for said lands must be made in proper form to the receiver of the United States land office, Seattle, Washington, who will issue official receipt therefor. You are instructed to assign current serial numbers to all applications to purchase, and upon receipt of payment in full, to issue cash certificate of entry.

Purchasers of the lands will not be required to furnish a non-mineral affidavit as the Acting Director of the Geological Survey, by letter of February 5, 1924, stated that the records indicated that there are no valuable deposits of coal or other minerals within the area specified.

Authority is also herein contained to dispose at the same time and place, of any other unclaimed lots within the said reservation at not less than the appraised price as shown by the records of your office, and in the absence of record objections thereto, to take the same action thereon as is hereby authorized to be taken on the six lots specifically listed as follows:

<u>Lot.</u>	<u>Acreage.</u>	<u>Appraised Value.</u>
54 B	1.57	\$9.42
66	9.55	57.30
67	5.40	32.40
68	1.32	7.92
69	6.06	36.36
71	8.35	50.10

All persons are warned against entering into any agreement, combination, or conspiracy which will prevent any of said lands from selling advantageously and all persons so offending will be prosecuted criminally under section 59 of the Criminal Code.

Publicity will be given this sale by the publication of a notice thereof in two newspapers of general circulation in the vicinity of the lands for 60 days preceding such sale. Transmit a copy of said circular to postmasters near the land for posting in their offices, and transmit a copy of the circular to the register of the State land office. Acknowledge receipt of these regulations and post a copy of the same in your office.

Very respectfully,

WILLIAM SPRY,

Commissioner.

Approved: May 26, 1924.

E. C. FINNEY,

First Assistant Secretary.

Circular No. 938.

REGULATIONS FOR THE SALE OF LANDS IN THE ABANDONED
GIG HARBOR MILITARY RESERVATION NO. 24.

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DEPARTMENT OF THE INTERIOR
General Land Office
Washington

May 26, 1924.

Register and Receiver,

Seattle, Washington.

Sirs:

November 19, 1919, Circular No. 662, instructions relative to the disposal of certain lands within the Gig Harbor Abandoned Military Reservation Nos. 23 and 24, were approved, and settlers in actual occupation of any portions of said lands were allowed to purchase same under Section 1 of the act of July 3, 1916 (39 Stat., 342). One year from the date of the approval of said regulations was allowed within which the actual occupants thereof could file their applications to purchase under the provisions of said act. Lands remaining unsold within the time allowed are subject to disposal at public sale under the act of July 5, 1884 (23 Stat., 103). All of the lands covered by these regulations were applied for under the preference right provisions as set out in the regulations with the exception of certain lands hereinafter described, which will now be offered for sale for cash, and at not less than the appraised value thereof to the highest bidder, at your office and under your supervision, commencing at ten o'clock a. m., on August 20, 1924.

Bids may be made in person or by agent, but will not be received through the mail. Purchasers will not be required to show qualifications as to age or citizenship, or to make any showing as to the amount or character of public lands heretofore acquired by them under any laws. Payment for said lands must be made in proper form to the receiver of the United States land office, Seattle, Washington, who will issue official receipt therefor.

Purchasers will not be required to furnish a non-mineral affidavit, the appraisers of said land having reported there were no indications of mineral upon any of said lands.

Authority is also herein contained to dispose at the same time and place, of any other unclaimed lots within the said reservation at not less than the appraised price, as shown by the records of your office, and in the absence of record objections thereto, to take the same action thereon, as is hereby authorized to be taken on the one lot specifically listed, as follows:

Sec. 32, T. 21 N., R. 2 E., W. M.

Lot 9-A, 20 acres, appraised at \$5 per acre, \$120.

All persons are warned against entering into any agreement, combination, or conspiracy which will prevent any of said lands from selling advantageously, and all persons so offending, will be prosecuted criminally, under section 59 of the Criminal Code.

Assign current serial numbers to all applications to purchase and upon receipt of payment in full issue cash certificate of entry, noting on each certificate the following: "Abandoned Military Reservation No. 24, Gig Harbor," and forward same to this office with your regular monthly returns.

Publicity will be given this sale by the publication of a notice thereof in two newspapers of general circulation in the vicinity of the lands for sixty days preceding such sale.

Very respectfully,

WILLIAM SPRY,

Commissioner.

Approved: May 26, 1924.

E. C. FINNEY,

First Assistant Secretary.

(7581)

DEPARTMENT OF THE INTERIOR
General Land Office
Washington

June 2, 1924.

: Relative to Contract for
: Telephone Service.

Registers and Receivers,
United States Surveyors General,
Chiefs of Field Division,
Supervisors of Surveys, and
Assistant Supervisors of Surveys.

Gentlemen:

IMPORTANT.--READ CAREFULLY.

There are herewith inclosed 5 blank forms of contract to be executed for telephone service to be furnished your office during the fiscal year ending June 30, 1925, which you will have fully completed and return 2 originals and 1 copy thereof to this office for approval. The oath of disinterestedness should be executed on one of the originals only. One copy is to be kept in the files of your office and the other copy handed to the telephone company or its representative. The contract should be completed in sufficient time to insure its receipt at this office about the first of the fiscal year or shortly thereafter.

Before preparing the contract you will read the form carefully so as to avoid duplication of any of the articles already contained in the printed form. After completing the contract you will number the articles contained therein.

Immediately after the word "follows" in the second paragraph of the form you will insert the following sentence:

"This contract is made subject to the approval of the
Secretary of the Interior."

Under Article 1 a complete and comprehensive statement as to the service to be furnished and the rate per month charged therefor should be made, both the name of the office for which the service is to be furnished and the town in which it is located should be mentioned; and the period covered by the contract (July 1, 1924, to June 30, 1925), should be stated.

The following clause should also be inserted in the contract:

Provided, That either party to this contract shall have the right to terminate same on 10 days written notice to that effect."

The following instructions relative to the preparation of the contract should also be strictly observed in every respect:

1. Each signature to the contract must be witnessed by at least 2 persons. The signatures of the parties to the contract and the signatures of the witnesses should be plainly written, and the post-office addresses of the parties and witnesses must appear. The names of all the parties to the contract must be written in full; signatures by initials will not be accepted. All dates should be plainly written and all blank spaces carefully filled. The notary public's jurat must not be executed prior to the date of the contract.
2. In cases of local land offices where there are both a register and a receiver, both officials must sign the contract and execute the oath of disinterestedness, and the names of both officials must appear in the blank spaces provided therefor at the beginning of the contract form.
3. Where the contract is between the Government and a corporation or an incorporated company (which will undoubtedly be the case in all telephone contracts), it may be executed in the name thereof by the officer authorized to do so by by-law or resolution, but in all such cases a certificate from the secretary or other officer having charge of the corporation seal; that the board of directors or executive committee duly authorized the making of the contract for and on behalf of the company by such individual must be furnished; the act of such officer in executing the contract is binding upon the company or corporation represented by him, and the manner of affixing the signature thereto must be by first signing the name of the company followed by the signature of the party authorized to act therefor. For example:

(Name of Company)

By _____

(Official Title)

The fact that the certificate of authority to sign is on file with the contract for the preceding year will not be accepted as an excuse for failing to furnish the required certificate with the contract for the fiscal year 1924, for the reason that (1) each contract must be complete in itself, and (2) that there is no evidence on file in the Department that the authority to sign has not been withdrawn since the execution of the preceding contract.

4. The corporation seal must be affixed to the 2 originals of the contract. The affixing of the seal to the contract will be accepted as sufficient evidence of the corporate existence of the corporation or incorporated company.

On July 1, 1924, authorization will be issued by this office to cover the cost of the telephone service. If there are any changes in the rates from those authorized during the fiscal year 1924, you should immediately advise this office thereof, so that appropriate action may be taken thereon.

By carefully reading and strictly observing the instructions contained herein a great deal of unnecessary correspondence, with the resulting delay in the approval of the contract, may be avoided.

Very respectfully,

WILLIAM SPRY,

Commissioner.

Circular No. 941.

REGULATIONS FOR THE SALE OF TOWN LOTS IN THE
TOWNSITE OF FORD, CALIFORNIA.

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DEPARTMENT OF THE INTERIOR

General Land Office

Washington

June 11, 1924.

Register and Receiver,

Visalia, California.

Gentlemen:

By Executive Order No. 3862 of June 11, 1923, the SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$ section 12, T. 32 S., R. 23 E., M. D. M., were eliminated from Naval Petroleum Reserve No. 2 and reserved for townsite purposes. By the terms of the order all oil and gas deposits therein are retained in said reserve for the use and benefit of the Navy.

The subdivisional survey thereof was made under section 2384, Revised Statutes, and accepted April 3, 1924. The unreserved lots in said townsite will be disposed of under the provisions of sections 2382, to 2386, Revised Statutes, in accordance with regulations herein prescribed and subject to the conditions and limitations of the act of July 17, 1914 (38 Stat., 509). In the letter to the President recommending the issuance of the executive order it was stated that there would be located 4 drilling sites of approximately 2 acres each on each 40-acre tract within the townsite, which sites would be reserved from disposition under the townsite laws for the future development of the oil and gas deposits. Such sites have been marked upon the approved plat and will be reserved from the sale. Lots will be sold subject to

any rights which the Western Water Company may have acquired by reason of its construction of a pipe line across any portion of said townsite and subject to any valid easement or right of way existing at date of the survey in the field.

Price.--The minimum price of all lots of 4,200 square feet or less is fixed by said section 2384, Revised Statutes, at \$15 per lot. For all lots of greater area, an additional sum of \$4 shall be added for each additional 1,000 square feet or fractional part thereof.

Preemption Proof.--Prior to the date of public sale, set for Monday, September 15, 1924, a preemption right of purchase at the minimum price, of not exceeding two lots, is accorded an actual resident, to secure which he must file in your office his application therefor, and therein state the date of settlement and the value and character of his improvements. The notice of intention to make proof must be published four times consecutively in a weekly newspaper (or 30 times if a daily), of general circulation in the townsite prior to the date set for proof, at the applicant's expense. In order that all bona fide preemption rights may be determined prior to the date of public sale, claimants will give notice in time to submit proof in advance of the public sale. Proof may be made before you or before any officer duly authorized by law and must show by record or documentary evidence, where such evidence is usually required and where not so required by the testimony of witnesses: (1) Due publication of the register's notice; (2) the claimant's age; (3) his citizenship; (4) his actual residence upon one lot and substantial improvements on a second lot where two lots are included in the application. The proof must embrace the testimony of the applicant and of at least two of his advertised witnesses. The purchase price for the lot or lots must be

paid to the Receiver when the proof is made. Lots disposed of at the public sale shall be paid for in cash on the day the bid is accepted.

Qualifications.--To qualify as a preemption claimant for lots at the minimum price, settlement must be shown at the time of the commencement of the townsite survey in the field and maintained to date of proof, or as set forth in the instructions of April 16, 1924, to the Chief of Field Division, as follows:

"In view of the conditions as disclosed, you are directed to proceed at once to Ford to notify the settlers on drilling sites, streets, and alleys, and also the settlers on the NW $\frac{1}{4}$ of section 12, x x x that if they will immediately move to the unoccupied lots in Ford townsite and will assert their claims as preemptors under section 2382, Revised Statutes, prior to the sale, such claims may be allowed where good faith is shown and the proof is deemed sufficient. This privilege should be restricted to persons who were settlers upon the land (or within the limits of Ford Townsite or on the NW $\frac{1}{4}$ Sec. 12) at the date of the survey in the field. They must be upon the land a sufficient time to submit preemption proof prior to the date fixed for the sale x x x."

Such a claim is not necessarily forfeited by the settler transferring his interest to another subsequently to accrual of the right, but patent, if issued, will be in the name of the settler and not the transferee.

Contests.--Hearings will be ordered and conducted in accordance with the rules of practice where two or more adverse applications are filed for the same lot, or where a sufficient contest affidavit is filed against an application on or before the date fixed for making proof, but no purchase money will be collected from the applicants until the final determination of the case, whereupon the successful applicant will be required to pay the purchase price within 30 days from notice hereof. All rights to preempt and purchase occupied and improved lots for which

no entry has been allowed prior to September 15, 1924, will be forfeited, unless a contest be pending thereon as hereinbefore provided, and such lots will be offered for sale together with the unoccupied lots. You will refuse to receive or consider any such application for entry where due publication could not be had and proof made thereon prior to the date so fixed for the public sale.

Date of Sale.--On September 15, 1924, a sale at public auction to the highest bidder will be held at the townsite, of all remaining unreserved, undisposed of lots, the sale to be conducted from day to day until all such lots shall be offered under the supervision of the Commissioner of the General Land Office or his representative. No lots will be sold for less than the minimum price and on the terms hereinbefore stated. After all unreserved and undisposed of lots have been offered, the sale will not be closed, but it will be indefinitely postponed, pending an appraisement of the remaining lots before being made subject to private sale.

All persons are warned against forming any combination or agreement which will prevent any lot from selling advantageously, or which will in any way hinder or embarrass the sale, and all persons so offending will be prosecuted under section 59 of the Criminal Code of the United States, which reads as follows:

"Whoever before or at the time of the public sale of any of the lands of the United States shall bargain, contract or agree, or attempt to bargain, contract or agree with any other person that the last-named person shall not bid upon or purchase the land so offered for sale, or any parcel thereof; or whoever by intimidation, combination, or unfair management shall hinder or prevent, or attempt to hinder or prevent, any person from bidding upon or purchasing any tract of land so offered for sale shall be fined not more than one thousand dollars, or imprisoned not more than two years, or both."

On the filing of the plat of survey and the receipt of these regulations, you will conspicuously post in your office a notice to the effect that the official plat of such townsite has been filed in your office and that you are ready to receive applications by the occupants of lots to make proof for and purchase the lots occupied by them, respectively. The newspapers in the vicinity should be given copies of such notice as an item of news and such other publicity should be given it as can be done without expense.

The Commissioner, or his representative conducting the sale, is authorized to reject any and all bids for any lot, and at any time suspend, adjourn, or postpone the sale of any lot or lots to such time and place as he may deem proper and to reappraise any lot or lots.

Very respectfully,

WILLIAM SPRY,

Commissioner.

Approved:

E. C. FINNEY,

First Assistant Secretary.

Circular No. 942.

HOMESTEAD SURVEYS UNDER THE ACT OF JUNE 11, 1906.

DEPARTMENT OF THE INTERIOR

General Land Office

Washington

June 13, 1924.

United States Surveyors General.

Gentlemen:

(1) Future special instructions issued for homestead entry surveys under the act of June 11, 1906, and the current appropriative act, for the segregation of entered land, will include a statement from the Register and Receiver of the proper land office, to be furnished, with two carbon copies, at your request, describing the land as entered and giving the status of the adjoining land.

(2) When a boundary of patented land, designated by the legal subdivisions of existing surveys, is identical with a boundary of the entry survey, it is necessary that the corners of the sectional subdivision defining such common boundary be actually established upon the ground. In addition to the proper marks as the corner of the legal subdivision, such corner will receive the serial corner number of the entry survey, notwithstanding a change of direction is not involved.

Very respectfully,

WILLIAM SPRY,

Commissioner.

(7657)

Circular No. 943.

(Paragraph 89, Circular No. 430 of April 11, 1922, amended.)

DEPARTMENT OF THE INTERIOR

General Land Office

Washington

June 18, 1924.

Registers and Receivers,
United States Land Offices.

Gentlemen:

Paragraph 89 of the circular of April 11, 1922 (49 L. D., 15), is hereby amended so as to read:

(1) The charge for the publication of notice of application for patent in a mining case in all districts shall not exceed the legal rates allowed by the laws of the State for the publication of legal notices wherein the notice is published, and in no case shall the charge exceed \$10 for each ten lines of space occupied where publication is had in a daily newspaper, and where a weekly newspaper is used as a medium of publication \$7.50 shall be the maximum charge for the same space. Such charge shall be accepted as full payment for publication in each issue of the newspaper for the entire period required by law.

It is expected that these notices shall not be so abbreviated as to curtail the description essential to a perfect notice, and on the other hand that they shall not be of unnecessary length. The printed matter must be set solid without paragraphing or any display in the heading and shall be in the usual body type used in legal notices. If other type is used, no allowance will be made for additional space on that account. The number of solid lines only used in advertising by actual count will be allowed. All abbreviations and copy must be strictly followed. The following is a sample of advertisement set up in accordance with Government requirements and contains all the essential data necessary for publication:

M. A. No. 04421, U. S. Land Office, Elko, Nevada, October 5, 1921. Notice is hereby given that the Jarbidge Buhl Mining Company by W. H. Hudson, attorney in fact, of Jarbidge, Nevada, has made application for patent to the Altitude, Altitude No. 1, Altitude No. 3, and Altitude Annex, lode mining claims, Survey No. 4470, in unsurveyed T. 46 N., R. 58 E., M. D. B. and M., in the Jarbidge mining district, Elko County, Nevada, described as follows: Beginning at corner No. 1, Altitude No. 3, whence the quarter corner of the south boundary of Sec. 34, T. 46 N., R. 58 E., M. D. B. and M., bears south $41^{\circ} 54'$ west 7285.63 feet, thence north $20^{\circ} 14'$ west 1500 feet to corner No. 2 of said lode; thence north $69^{\circ} 46'$ east 569 feet to corner No. 3

of said lode; thence south $20^{\circ} 14'$ east 417.5 feet to corner 2, Altitude No. 1; thence north $69^{\circ} 46'$ east 1606.1 feet to corner No. 3, Altitude lode; thence south $20^{\circ} 14'$ east 1500 feet, to corner No. 4 of said lode; thence south $69^{\circ} 46'$ west 1606.1 feet, to corner No. 1, Altitude No. 1 lode; thence north $20^{\circ} 14'$ west 417.5 feet to corner No. 4, Altitude No. 3; thence south $69^{\circ} 46'$ west 569 feet to point of beginning. There are no adjoining or conflicting claims. The location notices are recorded in Book 17, pages 373 and 374, and in Book 15, pages 52 and 53, mining locations, Elko County, Nevada, John E. Robbins, Register.

(2) For the publication of citations in contests or hearings, involving the character of lands, the charges may not exceed the rates provided for similar notices by the law of the State, and shall not exceed \$12 for five publications in a weekly newspaper, or \$15 for publication in a daily newspaper, for thirty days. Such charge shall be accepted as full payment for all the matter so published and for the full period required.

Very respectfully,

WILLIAM SPRY,

Commissioner.

Approved: June 18, 1924.

E. C. FINNEY,

First Assistant Secretary.

INSTRUCTIONS RELATIVE TO EXTENSIONS OF TIME FOR
PAYMENTS FOR FORT BERTHOLD INDIAN LANDS.

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DEPARTMENT OF THE INTERIOR

General Land Office

1120734 "K" MMJ

Washington

June 19, 1924.

Register and Receiver,

Bismarck, North Dakota.

Gentlemen:

The act of May 24, 1924, Public No. 133, provides:

"That any homestead entryman or purchaser of Government lands within the Fort Berthold Indian Reservation in North Dakota who is unable to make payment of purchase money due under his entry or contract of purchase as required by existing law or regulations, on application duly verified showing that he is unable to make payment as required, shall be granted an extension to the 1925 anniversary of the date of his entry or contract of purchase upon payment of interest in advance at the rate of 5 per centum per annum on the amounts due from the maturity thereof to the said anniversary; and if at the expiration of the extended period the entryman or purchaser is still unable to make the payment he may, upon the same terms and conditions, in the discretion of the Secretary of the Interior, be granted such further extensions of time, not exceeding a period of three years, as the facts warrant."

The act applies both to entries made under the act of June 1, 1910 (36 Stat., 455), and those made under the act of August 3, 1914 (38 Stat., 68).

Previous requirements in the matter of payments.--The provisions of the act of June 1, 1910, were specifically extended to lands to be opened under the act of August 3, 1914. The said act of June 1, 1910, provides that one-fifth of the purchase price shall be paid at the time of entry and the balance in five equal annual installments commencing two years from the date of entry. Section 1 of the act of May 28, 1914 (38 Stat., 383), authorizes an extension of time for one year for the payment of any annual installment upon the payment of the interest in advance at the rate of 5 per cent per annum on the amounts so extended and that any payment so extended may annually

thereafter be extended in like manner provided that all payments are completed within a period not exceeding one year after the last payment becomes due under the act under which the entry was made. Accordingly the utmost time allowed for completion of payments on entries made under the act of June 1, 1910, or under the act of August 3, 1914, was seven years from the date of entry.

The said act of May 24, 1924, modifies the above requirements in the following respects:

On those entries on which the 7-year period for payment allowed under the acts cited above expires prior to the 1925 anniversary thereof, an extension of time may be obtained to said anniversary upon the filing of an application duly verified, accompanied by payment of interest in advance on the amounts due from the maturity thereof to the 1925 anniversary of the dates of the entries at the rate of 5 per cent per annum. If at the expiration of the extended period entryman is still unable to make the required payment, further extensions may be obtained from year to year in the same manner, but no extension will be granted beyond a period of three years from the 1925 anniversary of the date of the entry.

You are directed to serve notice on each entryman who is in default in the matter of payments either of principal or interest that if the required sums are not paid or an extension of time obtained as herein provided within 30 days from receipt of notice hereof, you will report his entry to this office for cancellation.

Very respectfully,

WILLIAM SPRY,

Commissioner.

Approved: June 19, 1924.

E. C. FINNEY,

First Assistant Secretary.

REGULATIONS FOR THE SALE OF TOWN LOTS IN THE
TOWNSITE OF WEST YELLOWSTONE, MONTANA.

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DEPARTMENT OF THE INTERIOR

General Land Office

Washington

June 25, 1924.

Register and Receiver,

Bozeman, Montana.

Gentlemen:

By Executive Order No. 3195 of December 5, 1919, it was directed:

"That portion of lot 1 not embraced in Yellowstone Administrative Site, Lot 2, N $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$, NW $\frac{1}{4}$ and that part of SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec. 34 (T. 13 S., R. 5 E., P. M.), lying north of the right of way and station grounds (of the Oregon Short Line Railroad Company), be and the same is hereby reserved for townsite purposes under section 2380, to be hereafter surveyed under section 2384 and disposed of under sections 2382 to 2386, inclusive, United States Revised Statutes."

The subdivisional survey of the townsite was made under section 2384, Revised Statutes, and accepted February 12, 1921. The unreserved lots in said townsite will be disposed of under the provisions of sections 2382 to 2386, Revised Statutes, in accordance with the regulations herein prescribed. Block 13 has been reserved from sale for use as a public park. An administrative site embracing about 3 lots in the northeast corner of Block 17, as shown on the approved plat, has been reserved for the United States Forest Service.

Price.--The minimum price of all lots of 4,200 square feet or less is fixed by said section 2384, Revised Statutes, at \$15 per lot. For all lots of greater area an additional sum of \$4 shall be added for each additional 1,000 square feet or fractional part thereof.

Preemption Proof.--Prior to the date of public sale, set for Monday, August 25, 1924, a preemption right of purchase at the minimum price, of not exceeding two lots, is accorded an actual resident, to secure which he must file in your office his application therefor, and therein state the date of settlement and the value and character of his improvements. The notice of intention to make proof must be published four times consecutively in a weekly newspaper (or 30 times if a daily), of general circulation in the townsite prior to the date set for proof, at the applicant's expense. In order that all bona

fide preemption rights may be determined prior to the date of public sale, claimants will give notice in time to submit proof in advance of public sale. Proof may be made before you or before any officer duly authorized by law and must show by record or documentary evidence, where such evidence is usually required and where not so required by the testimony of witnesses: (1) Due publication of the Register's notice; (2) the claimant's age; (3) his citizenship; (4) his actual residence upon one lot and substantial improvements on a second lot where two lots are included in the application. The proof must embrace the testimony of the applicant and of at least two of his advertised witnesses. The purchase price for the lot or lots must be paid to the Receiver when the proof is made. Lots disposed of at the public sale shall be paid for in cash on the day the bid is accepted.

Qualifications.--To qualify as a preemption claimant for lots at the minimum price, settlement must be shown at the time of the commencement of the townsite survey in the field and maintained to date of proof. A claim is not necessarily forfeited by the settler transferring his interest to another subsequently to accrual of the right, but patent if issued, will be in the name of the settler and not the transferee.

Contests.--Hearings will be ordered and conducted in accordance with the rules of practice where two or more adverse applications are filed for the same lot, or where a sufficient contest affidavit is filed against an application on or before the date fixed for making proof, but no purchase money will be collected from the applicants until the final determination of the case, whereupon the successful applicant will be required to pay the purchase price within 30 days from notice thereof. All rights to preempt and purchase occupied and improved lots for which no entry has been allowed prior to August 25, 1924, will be forfeited, unless a contest be pending thereon as hereinbefore provided, and such lots will be offered for sale together with the unoccupied lots. You will refuse to receive or consider any such application for entry where due publication could not be had and proof made thereon prior to the date so fixed for the public sale.

Date of Sale.--On August 25, 1924, a sale at public auction to the highest bidder will be held at the townsite, of all remaining unreserved, undisposed of lots, the sale to be conducted from day to day until all such lots shall be offered under the supervision of the Commissioner of the General Land Office or his representative. No lots will be sold for less than the minimum price and on the terms hereinbefore stated. After all unreserved and undisposed of lots have been offered, the sale will not be closed, but it will be indefinitely postponed, pending an appraisalment of the remaining lots before being made subject to private sale.

All persons are warned against forming any combination or agreement which will prevent any lot from selling advantageously, or which will in any way hinder or embarrass the sale, and all persons so offending will be prosecuted under section 59 of the Criminal Code of the United States, which reads as follows:

"Whoever before or at the time of the public sale of any of the lands of the United States shall bargain, contract or agree, or attempt to bargain, contract or agree with any other person that the last-named person shall not bid upon or purchase the land so offered for sale, or any parcel thereof; or whoever by intimidation, combination or unfair management shall hinder or prevent, or attempt to hinder or prevent, any person from bidding upon or purchasing any tract of land so offered for sale shall be fined not more than one thousand dollars, or imprisoned not more than two years, or both."

On the filing of the plat of survey and the receipt of these regulations, you will conspicuously post in your office a notice to the effect that the official plat of such townsite has been filed in your office and that you are ready to receive applications by the occupants of lots to make proof for and purchase the lots occupied by them respectively. The newspapers in the vicinity should be given copies of such notice as an item of news and such other publicity should be given it as can be done without expense.

The Commissioner, or his representative conducting the sale, is authorized to reject any and all bids for any lots, and at any time suspend, adjourn, or postpone the sale of any lot or lots to such time and place as he may deem proper and to reappraise any lot or lots.

Very respectfully,

WILLIAM SPRY,

Commissioner.

Approved: June 25, 1924.

E. C. FINNEY,

First Assistant Secretary.

Circular No. 946.

(Circular No. 801, approved January 12, 1923, amended.)

INSTRUCTIONS--LEASING ACT. EXTENSIONS OF TIME.

DEPARTMENT OF THE INTERIOR

General Land Office

Washington

June 26, 1924.

Registers and Receivers,
United States Land Offices.

Gentlemen:

By act of Congress approved January 11, 1922 (42 Stat., 356), the Secretary of the Interior was authorized to grant an extension of time to comply with the drilling requirements under oil and gas permits granted pursuant to the act of February 25, 1920 (41 Stat., 437). This act applies to the Territory of Alaska.

The text of the act is as follows:

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior may, if he shall find that any oil or gas permittee has been unable, with the exercise of diligence, to begin drilling operations or to drill wells of the depth and within the time prescribed by section 13 of the act of Congress approved February 25, 1920, forty-first Statutes, page 437, extend the time for beginning such drilling or completing it, to the amount specified in the act for such time not exceeding three years and upon such conditions as he shall prescribe."

Accordingly, a permittee who has been unable with the exercise of due diligence to comply with the drilling requirements of a permit issued under any section of the act of February 25, 1920, may, if the facts warrant, be granted an extension of time upon filing an application therefor, accompanied by his own affidavit setting forth what efforts, if any, he has made to comply with the terms of his permit and the reasons for delay in the full compliance therewith, and such showing to be accompanied by the corroborating affidavit of at least one disinterested person having actual knowledge of the facts.

In making an application for extension of time the permittee must show that the corners of the claim have been marked with substantial monuments and that a notice has been posted as required in paragraph 1 of the permit as there is no provision of law under which the time may be extended for compliance with that requirement. The permittee must show whether or not any oil or gas well is being drilled on the geologic structure upon which the land embraced in the permit is located, or within approximately 10 miles of such land, and if such well is being drilled, give the legal subdivision, section, township, and range on which the well is located, and furnish as full information as he can as to when the well was begun, its approximate depth, the character of the formation penetrated and the prospects for discovery of oil or gas. If the application for extension is based upon contributions made by the permittee toward sinking of a test well upon the structure, full disclosure of the amount and nature of such contributions and the conditions under which the same were made must be

shown, which showing must be corroborated by the affidavit of one or more of the parties under whose authority the well is being drilled.

The affidavit by the applicant must also show the time when he proposes to commence or resume his operations and any arrangement he has made for complying with the drilling requirements of the permit. If the applicant alleges that he has entered into a contract to drill the land, his application must be supported by the affidavit of the drilling contractor as to the terms of the contract, the means at his command for carrying out the same, and the time when he expects to begin drilling operations thereunder.

An extension of time to perform one of the acts required by the permit necessarily extends for the same period of time for the performance of all subsequent requirements and as the bond is expressly limited by its terms to the period for which the permit was granted, the permittee must furnish a properly executed assent by the surety to the extension of his bond to cover the life of the permit as it will be extended if an extension is granted.

The application may be filed in the General Land Office or in the local land office having jurisdiction over the land involved by the permit. In the latter event proper applications will be promptly forwarded to this office by the local officers. In cases where applications for extensions filed in the local offices are not in accordance herewith, you will require the permittees to remedy the defects within 15 days from receipt of notice, and will transmit the applications with evidence of service and a report of action taken at the expiration of the time allowed.

Circular No. 801, approved January 13, 1923, is hereby amended so as to conform herewith.

You will give the widest publicity to the above regulations that may be possible without expense to the United States.

Very respectfully,

WILLIAM SPRY,

Commissioner.

Approved: June 26, 1924.

E. C. FINNEY,

First Assistant Secretary.

REPORTS ON APPLICATIONS FOR ADMISSION TO PRACTICE BEFORE LOCAL LAND OFFICES.

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DEPARTMENT OF THE INTERIOR

General Land Office

Washington

June 28, 1924.

: Instructions.

Chiefs of Field Division.

Sirs:

Reference is hereby made to Circular No. 127, addressed to Registers and Receivers, dated June 11, 1912, which reads as follows:

"Hereafter, whenever there is filed with you an application to practice as agent or attorney before your office, you will defer action thereon, advise the Chief of Field Division of the filing thereof, and await his report on the same. Where the Chief of Field Division advises that there is no objection on his part to the admission of applicant, you will proceed to act upon the same in the usual way, and in your report on Form 4-285 to this office, you will state that the Chief has reported favorably on the application. In case he reports that he desires to make a report to this office, you will further defer action until receipt of advice from this office."

You are hereby instructed that your reports on such applications should be made to the Register and Receiver as promptly as possible, not later than thirty days from receipt in your office of the request for such report, unless you desire to request instructions from this office in the case, or unless your preliminary investigation discloses reasonable grounds for believing that a more extended investigation of claimant's character and fitness is warranted. Where delay beyond the thirty-day period is necessary, you will briefly advise the Register and Receiver that in your opinion a further investigation is deemed necessary.

Very respectfully,

WILLIAM SPRY,

Commissioner.

DEPARTMENT OF THE INTERIOR

General Land Office

June 1, 1924.

ROSTER OF FIELD OFFICERS

District Land Offices

ALABAMA:

*Montgomery.--Edwin E. Winters, register. (Office of receiver abolished.)

ALASKA:

Anchorage.--J. Lindley Green, register. (Office of receiver abolished.)

*Fairbanks.--Robert W. Taylor, clerk of the District Court, ex officio register.

Gilbert B. Stevens, United States marshal, ex officio receiver.

*Nome.--John Sunback, clerk of the District Court, ex officio register.

Morris W. Griffith, United States marshal, ex officio receiver.

ARIZONA:

*Phoenix.--John R. Towles, register.

Lannes L. Ferrall, receiver.

ARKANSAS:

*Harrison.--John Kelsey Jones, register.

Willis W. Moore, receiver.

*Little Rock.--Wallace Townsend, register.

James W. Grubbs, receiver.

CALIFORNIA:

El Centro.--John W. Scott, register. (Office of receiver abolished.)

*Eureka.--Frank P. Wheeler, register.

William H. H. Heckman, receiver.

Independence.--Oliver C. Harper, register.

Frank G. Willis, receiver.

*Los Angeles.--Dudley S. Valentine, register.

Brainerd B. Smith, receiver.

*Sacramento.--John C. Ing, register.

Grove L. Johnson, receiver.

*San Francisco.--Mrs. Lida M. Hume, register.

Mrs. Hattie Jewell Anderson, receiver.

Susanville.--Earl B. Coffin, register. (Office of receiver abolished.)

Visalia.--Walter S. Hunsaker, register.

Miss Florence Zumwalt, receiver.

COLORADO:

Del Norte.--Louis W. Burford, register. (Office of receiver abolished.)

*Denver.--Miss Martha J. Spears, register.

Charles D. Ford, receiver.

Durango.--Charles R. Smith, register. (Office of receiver abolished.)

*Glenwood Springs.--Walter Spencer, register.

Charles S. Merrill, receiver.

Lamar.--Silas E. Speckmann, register. (Office of receiver abolished.)

*Located in Federal buildings.

COLORADO: (Continued.)

- *Leadville.--Mrs. Eva A. Brittain, register. (Office of receiver abolished.)
- Montrose.--Galen C. Pond, register. (Office of receiver abolished.)
- *Pueblo.--Fred E. Sisson, register.
Wallace W. Taylor, receiver.
- Sterling.--Edgar T. Conquest, register. (Office of receiver abolished.)

FLORIDA:

- *Gainesville.--George C. Crom, register. (Office of receiver abolished.)

IDAHO:

- Blackfoot.--Peter G. Johnson, register.
Ezra P. Monson, receiver.
- *Boise.--Bartlett Sinclair, register.
Alfred Hogensen, receiver.
- Coeur d'Alene.--William Ashley, register. (Office of receiver abolished.)
- Hailey.--Miss May G. Angel, register.
Harry K. Lewis, receiver.
- *Lewiston.--Hugh E. O'Donnell, register. (Office of receiver abolished.)

KANSAS:

- *Topeka.--Charles W. Miller, register. (Office of receiver abolished.)

LOUISIANA:

- Baton Rouge.--George J. Reiley, register. (Office of receiver abolished.)

MICHIGAN:

- *Marquette.--George C. Jackman, register. (Office of receiver abolished.)

MINNESOTA:

- Cass Lake.--Peter Michael Larson, register. (Office of receiver abolished.)
- *Crookston.--Martin Widsten, register. (Office of receiver abolished.)
- *Duluth.--Robert E. Patterson, register. (Office of receiver abolished.)

MISSISSIPPI:

- *Jackson.--William O. Ligon, register. (Office of receiver abolished.)

MONTANA:

- *Billings.--Harry B. Drum, register. (Office of receiver abolished.)
- *Bozeman.--George C. Davenport, register.
Raymond B. Lewis, receiver.
- Glasgow.--Edwin J. Kirton, register.
Oscar P. Hovind, receiver.
- *Great Falls.--Walter E. Bennett, register. (Office of receiver abolished.)
- Harve.--Myron W. Hutchison, register.
Roy Henry Fuller, receiver.
- *Helena.--Fred A. Motz, register.
Frank L. Reece, receiver.
- *Kalispell.--Robert M. Goshorn, register. (Office of receiver abolished.)
- Lewistown.--Joseph Tilden Montgomery, register.
John A. Gilluly, receiver.
- *Miles City.--Joseph Dominick Scanlan, register.
John Henry Bohling, receiver.
- Missoula.--Fred C. Stoddard, register. (Office of receiver abolished.)

NEBRASKA:

- *Alliance.--James H. H. Hewitt, receiver. (Office of register abolished.)
- *Lincoln.--James Edgar Hays, register. (Office of receiver abolished.)

NEVADA:

- *Carson City.--Miss Clara M. Crisler, register.
Harry R. Grier, receiver.
- Elko.--George B. Russell, register. (Office of receiver abolished.)

NEW MEXICO:

- Clayton.--Henry H. Errett, register.
Mateo Iujan, receiver..
- Fort Sumner.--Mrs. June Wright Makemson, register.
Pedro Romero, receiver.
- *Las Cruces.--Miss Nemecia Ascarate, register.
William Harris, receiver.
- *Roswell.--Jaffa Miller, register.
Charles Henry Lutz, receiver.
- *Santa Fe.--Alfred M. Bergere, register
Isidoro Armijo, receiver.

NORTH DAKOTA:

- *Bismarck.--Otto E. Anderson, register. (Office of receiver abolished.)
- *Dickinson.--Claude C. Turner, register. (Office of receiver abolished.)

OKLAHOMA:

- *Guthrie.--Nelson D. McGinley, register. (Office of receiver abolished.)

OREGON:

- Burns.--Victor G. Cozad, register.
James J. Donegan, receiver.
- *La Grande.--Carl G. Helm, register.
John H. Peare, receiver.
- Lakeview.--Frank P. Light, register. (Office of receiver abolished.)
- *Portland.--Walter L. Tooze, sr., register.
Frank O. Northrup, receiver.
- *Roseburg.--Hamill A. Canaday, register.
Fred W. Haynes, receiver.
- *The Dalles.--James W. Donnelly, register.
Thomas C. Queen, receiver.
- Vale.--George W. McKnight, register.
George M. Love, receiver.

SOUTH DAKOTA:

- Bellefourche.--Ray L. Bronson, register. (Office of receiver abolished.)
- *Pierre.--John Widlon, register. (Office of receiver abolished.)
- *Rapid City.--Paul E. Bellamy, register.
Charles S. Reed, receiver.

UTAH:

- *Salt Lake City.--Eli F. Taylor, register.
Arthur T. Moon, receiver.
- Vernal.--Albert Halen, register. (Office of receiver abolished.)
*Located in Federal buildings.

WASHINGTON:

Seattle.--Irving D. Smith, register. (Office of receiver abolished.)
*Spokane.--Arthur W. Doland, register. (Office of receiver abolished.)
*Vancouver.--Frank E. Vaughan, register. (Office of receiver abolished.)
*Walla Walla.--William D. Gregory, register. (Office of receiver abolished.)
Waterville.--Elsie K. Fritts, register. (Office of receiver abolished.)
*Yakima.--Robert Bruce Milroy, register. (Office of receiver abolished.)

WISCONSIN:

*Wausau.--Mrs. Addie B. McLennan, register. (Office of receiver abolished.)

WYOMING:

Buffalo.--James D. Gallup, register.
J. Ira Kirby, receiver.
*Cheyenne.--Mart T. Christensen, register.
Isaiah E. Yoder, receiver.
*Douglas.--Birney J. Erwin, register.
Arthur M. Teakell, receiver.
*Evanston.--Joseph T. Booth, register.
Donald McAllister, receiver.
*Lander.--Irving W. Wright, register.
Harmon Hayward Schwood, receiver.
Newcastle.--Joseph Lytle, register.
Matthew C. Roberts, receiver.

Total local land offices, 84.

Total number of offices with one official, 41
(40 registers, 1 receiver).

U. S. SURVEYORS GENERAL

ALASKA

Juneau, Karl Theile.

ARIZONA

*Phoenix, Charles M. Donohoe.

CALIFORNIA

*San Francisco, John Plover.

COLORADO

*Denver, William H. Clark.

IDAHO

*Boise, Virgil W. Samms.

MONTANA

*Helena, Gilman Bullard.

*Located in Federal buildings.

NEVADA

*Reno, Joseph E. Gelder.

NEW MEXICO

*Santa Fe, Manuel A. Sanchez.

OREGON

*Portland, Wesley W. Caviness.

UTAH

*Salt Lake City, Erastus D. Sorenson.

WASHINGTON

*Olympia, Clair Hunt.

WYOMING

*Cheyenne, Clyde W. Atherly.

Total, 12.

CHIEFS OF FIELD DIVISION

*PORTLAND FIELD DIVISION.--Harry E. Laughlin, Post Office Building,
Portland, Oregon.

*SAN FRANCISCO FIELD DIVISION.--Joseph H. Favorite, Customhouse Building,
San Francisco, California.

ALASKA.--George A. Parks, assistant supervisor of surveys and public lands,
Anchorage, Alaska.

HELENA FIELD DIVISION.--Nathan Gammon, National Bank of Montana Building,
Helena, Montana.

*DENVER FIELD DIVISION.--Ralph S. Kelley, Post Office Building, Denver, Colorado.

*CHEYENNE FIELD DIVISION.--Robert W. Dyer, Federal Building, Cheyenne, Wyoming.

*SOUTHERN FIELD DIVISION.--J. W. Neal, Federal Building, Jackson, Mississippi.

*SALT LAKE CITY FIELD DIVISION.--Josiah A. Moore, Federal Building,
Salt Lake City, Utah.

*SANTA FE FIELD DIVISION.--John T. Murphy, Laughlin Building, Santa Fe,
New Mexico.

Total, 9.

*Located in Federal buildings.

SUPERVISOR OF SURVEYS

*Frank M. Johnson, Federal Building, Denver, Colorado.

INSPECTOR OF OFFICES OF SURVEYORS GENERAL

*Samuel W. Goodale, Detailed Law Examiner,
Subtreasury Building, San Francisco,
California.

SUPERINTENDENT OF LOGGING

John D. Caldwell, Cass Lake, Minnesota.

*Located in Federal buildings.

EXECUTIVE ORDERS--ALASKA

THE WHITE HOUSE
Washington

June 11, 1924.

My dear Mr. Secretary:

I enclose herewith for your information copies of executive orders which the President signed on June 7th, revoking the order of November 3, 1922, creating the Southwestern Alaska Fisheries Reservation, and the order of February 17, 1922, creating the Alaska Peninsula Fisheries Reservation.

Very truly yours,

E. T. CLARK,

Secretary.

Hon. Hubert Work,

Secretary of the Interior:

Enclosures.

DEPARTMENT OF THE INTERIOR

June 13, 1924.

Respectfully referred to the Commissioner of the General Land Office for his information and guidance, together with copies of the executive orders above mentioned.

E. C. FINNEY,

First Assistant Secretary.

EXECUTIVE ORDER.

WHEREAS, on the 3rd day of November, 1922, an executive order was promulgated creating the Southwestern Alaska Fisheries Reservation to insure the protection of the fisheries in the waters therefor; and

WHEREAS, the Act of Congress on June 6, 1924, entitled "An Act for the Protection of the Fisheries of Alaska and for other Purposes" provides for the protection and administration of the fisheries in all Alaskan waters, and the executive reservation aforesaid has therefore become unnecessary;

THEREFORE, the said executive order of November 3, 1922, creating the Southwestern Alaska Fisheries Reservation, is hereby revoked.

This revocation shall not affect the executive order of March 3, 1913, creating the Aleutian Islands Reservation, which shall remain in full force and effect.

CALVIN COOLIDGE.

The White House,

June 7, 1924.

----- O -----

EXECUTIVE ORDER.

WHEREAS, on the 17th day of February, 1922, an executive order was promulgated creating the Alaska Peninsula Fisheries Reservation to insure the protection of the Fisheries in the waters therefor; and

WHEREAS, the Act of Congress of June 6, 1924, entitled "An Act for the Protection of the Fisheries of Alaska and for other Purposes" provides for the protection and administration of the fisheries in all Alaskan waters, and the executive reservation aforesaid has therefore become unnecessary;

THEREFORE, the said executive order of February 17, 1922, creating the Alaska Peninsula Fisheries Reservation is hereby revoked.

This revocation shall not affect the executive order of March 3, 1913, creating the Aleutian Islands Reservation, which shall remain in full force and effect.

CALVIN COOLIDGE.

The White House,

June 7, 1924.

OIL AND GAS ACTIVITIES.

During the month of June 833 new cases were received, an increase of nearly 200 over last month; old cases received for further action numbered 2,055, an increase of nearly 400 over last month. New permits were issued in 286 cases, 509 applications were finally rejected and closed, and 91 were rejected and closed as to part; 264 applications were rejected subject to appeal, and 36 were partially rejected subject to appeal; 43 assignments were acted upon, and 188 extensions of time disposed of. In 76 cases permits were held for cancellation, and 46 permits were canceled. Departmental decisions were rendered in 12 cases affirming this office, and 2 modifying the decisions of this office; 1,045 applications were examined and reports thereon called for from the Geological Survey and the Reclamation Service; 3,350 letters were written in the section handling applications under sections 13 and 20 of the leasing act.

Under the "relief" sections of the act and other sections providing for the issuance of leases, 6 leases and 1 permit were issued, 6 applications rejected subject to appeal, and 1 finally rejected and closed; 6 assignments were acted upon; 11 extensions of time disposed of; 105 letters were written, and 41 applications were otherwise disposed of. The total number of old cases received for action were 52.

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RECEIPTS UNDER MINERAL LEASING ACT.

Receipts under the mineral leasing act for the month of May amounted to \$1,212,372.19, all from lands outside of naval reserves.

COLUMBIA OR MOSES INDIAN RESERVATION--ACT OF JUNE 3, 1924.

DEPARTMENT OF THE INTERIOR

General Land Office

Washington

July 1, 1924.

Register and Receiver,
Waterville, Washington.

Gentlemen:

Your attention is directed to the act of Congress approved June 3, 1924, Public No. 182, entitled:

"An act to authorize acquisition of unreserved public lands in the Columbia or Moses Reservation, State of Washington, under acts of March 28, 1912, and March 3, 1877, and for other purposes,"

which reads as follows:

"That from and after the passage of this act all unreserved public lands within the former Columbia or Moses reserve in the State of Washington made subject to acquisition under the homestead laws by the act of Congress approved July 4, 1884 (Twenty-third statutes, page 76), be, and they are hereby, made subject to acquisition under the Isolated Tract (act of March 28, 1912), desert land (act of March 3, 1877), and other acts applicable generally to the public domain."

The effect of the said act is to make the said lands subject to disposition in like manner as other vacant, unappropriated, and unreserved public lands. Make appropriate notations on your records.

Very respectfully,

WILLIAM SPRY,

Commissioner.

Approved: July 1, 1924.

E. C. FINNEY,

First Assistant Secretary.

RECEIVERS' CASH DEPOSITS.

The Treasury Department by a letter dated June 4, 1924, denied the request that a receiver in a town in which there is no general depository be permitted to purchase bank drafts as a means of transmitting his cash receipts to his depository, saying:

"This question is covered by section 3651 of the Revised Statutes of the United States relating to the exchange of funds by disbursing officers or agents of the Government, and is not therefore a matter of regulation over which the Treasury has jurisdiction."

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DEPARTMENT OF THE INTERIOR
General Land Office
Washington

1078291

PUBLIC LANDS RESTORED TO HOMESTEAD ENTRY AND OTHER DISPOSITION
BY PROCLAMATION, EXECUTIVE OR DEPARTMENTAL ORDER.

Preference Rights to Ex-Service Men of the War with Germany.

General Method of Opening:

By virtue of Public Resolution No. 29, of February 14, 1920 (41 Stat., 434), as amended by Public Resolutions Nos. 36 and 79, approved January 21 and December 28, 1922, respectfully, hereafter and until February 15, 1930, when any surveyed lands within the provisions of the public resolutions are opened or restored to disposition under the authority of the Department, such lands, unless otherwise provided in the order of restoration, shall become subject to appropriation under the laws applicable thereto in the following manner, and not otherwise:

Lands not affected by the preference rights conferred by the acts of August 18, 1894 (28 Stat., 394), or June 11, 1906 (34 Stat., 233), or February 14, 1920 (41 Stat., 407), will be subject to entry by soldiers under the homestead and desert-land laws, where both of said laws are applicable, or under the homestead law only, as the case may be, for a period of 91 days, beginning with the date of the filing of the township plat in the case of surveys or resurveys, and with the date specified in the order of restoration in all other cases, and thereafter to disposition under all of the public land laws, applicable thereto, except where homestead entrymen are granted a prior preference period under the order. For a period of 20 days and for a like period prior to the date or dates such lands become subject to entry by the general public, soldiers in the first instance, and any qualified applicants in the second, may execute and file their applications, and all such applications presented within such 20-day periods, together with those offered at 9 o'clock a. m., standard time, on the dates such lands become subject to appropriation under such applications, shall be treated as filed simultaneously.

Unsurveyed lands are not subject to homestead or desert-land entry. A homestead entry may embrace 160 acres, or an approximation thereof, and where the lands are of the character contemplated by the 320 or 640 acres homestead acts, applications for the unappropriated lands may be filed by qualified persons, under either of said acts; accompanied by proper petitions, if undesignated, for the designation of lands thereunder, and such applications will be suspended pending determination as to the character of such lands.

The following are restorations or openings which will occur in the near future and concerning which further information may be obtained from the local offices:

RECOVERED THROUGH CANCELLATION OF PATENT.

(430)

UTAH:

Three hundred twenty acres in Tooele County, Salt Lake City land district, open to entry under the homestead and desert-land laws by ex-service men of the war with Germany for a period of ninety-one days, beginning June 24, 1924. Filings may be presented at any time within the twenty days prior to that date. On and after September 24, 1924, any of said land remaining unentered will be subject to appropriation under any applicable public land law by the general public.

The lands have been recovered by the United States through cancellation of a patent, and is located in Secs. 10 and 15, T. 7 S., R. 5 W., S.L. M., about 3 miles from the town of Center, and has been designated under the 320-acre homestead law.

Further information, if desired, may be obtained from the United States land office at Salt Lake City.

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RECOVERED THROUGH CANCELLATION OF PATENT.

(431)

ALABAMA:

One hundred forty-one acres in Houston County, Montgomery land district, open to entry under the homestead laws by ex-service men of the war with Germany for a period of ninety-one days, beginning June 24, 1924. Filings may be presented at any time within the twenty days prior to that date. On and after September 24, 1924, any of said land remaining unentered will be subject to appropriation under the applicable public land laws by the general public.

The land has been recovered by the United States through cancellation of a patent, and is located in Sec. 10, T. 7 N., R. 8W., Tal. M., about 3 miles from the town of Crosby.

Further information, if desired, may be obtained from the United States land office at Montgomery.

RESTORATION OF LAND RECOVERED THROUGH COURT PROCEEDINGS.

(432)

WASHINGTON:

Eighty acres in Lincoln County, Spokane land district, open to entry under the homestead or desert-land laws by qualified ex-service men of the war with Germany for a period of ninety-one days, beginning June 26, 1924. Filings of ex-service men may be presented at any time within the 20 days prior to that date. On and after September 25, 1924, any of such tract remaining unentered will become subject to appropriation under any applicable public land law by the general public.

The tract is about 12 miles south of Wilbur; is surrounded by entered land; has been designated as enterable under the enlarged-homestead law and is reported to be grazing land.

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RESTORATION OF LAND RECOVERED THROUGH COURT PROCEEDINGS.

(433)

NEW MEXICO:

One thousand one hundred twenty acres in three widely separated tracts of 160, 320, and 640 acres, respectively, in the Santa Fe land district, open to entry only by ex-service men of the war with Germany under the homestead and desert-land laws for ninety-one days, beginning June 28, 1924. Filings may be presented at any time during the twenty days prior to such date. On and after September 27, 1924, any of such land remaining unentered will be subject to appropriation under any applicable public land law by the general public.

The lands have been recovered by the United States through court proceedings to set aside the patents on certain homestead entries and the 160-acre tract is reported to be partly cultivable and the other areas to be grazing land.

----- O -----

FROM SEGREGATION UNDER THE CAREY ACT.

(434)

MONTANA:

16,622,82 acres of land in Teton County, Great Falls land district, opened to entry under the homestead and desert-land laws by ex-service men of the World War, beginning June 28, 1924, and opened to entry by the general public under any applicable public land law, beginning September 27, 1924.

During the first 60 days subsequent to June 27, 1924, certain Carey Act entrymen have a specific preference to the entry of Lot 1, Sec. 2, T. 30 N., R. 5 W., and the SW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 15, T. 29 N., R. 4W.

All the land has been released from segregation for Carey Act purposes. It has an average elevation of some 3,500 feet and is on an open prairie somewhat broken. The soil is mainly a deep, sandy gravelly clay loam. Water for irrigation is not available, but on land similar to the better grade of these lands, wheat, oats, and flax have been grown by ordinary farming methods when more than the average precipitation was had.

----- 0 -----
FROM STOCK DRIVEWAY WITHDRAWAL.

(435)
ARIZONA:

Eighty acres in Yavapai County, Phoenix land district, open to entry under the homestead or desert-land laws by ex-service men of the war with Germany for a period of ninety-one days, beginning June 26, 1924. Filings may be presented at any time during the 20 days prior to that date. On and after September 25, 1924, any of such lands remaining unentered will be subject to appropriation under any public land law applicable thereto by the general public.

The land is released from stock driveway withdrawal and is surveyed.

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RECOVERED THROUGH CANCELLATION OF PATENT.

(436)
NEW MEXICO:

158.44 acres in Eddy County, Roswell land district, open to entry under the homestead and desert-land laws by ex-service men of the war with Germany for a period of ninety-one days, beginning July 3, 1924. Filings may be presented at any time within the twenty days prior to that date. On and after October 2, 1924, any of said land remaining unentered will be subject to appropriation under any applicable public land law by the general public.

The land has been recovered by the United States through cancellation of a patent, and is located in Sec. 31, T. 17 S., R. 27 E., N. M. P. M., about 6 miles from the town of Artesia.

Further information, if desired, may be obtained from the United States local land office at Roswell.

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RECOVERED THROUGH CANCELLATION OF PATENTS.

(437)
ARIZONA:

Two hundred acres in Navajo County, Phoenix land district, open to entry under the homestead and desert-land laws by ex-service men of the war with Germany for a period of ninety-one days, beginning July 8, 1924. Filings may be presented at any time within twenty days prior to that date. On and after October 7, 1924, any of said lands remaining unentered will be subject to appropriation under any applicable public land law by the general public.

The lands have been recovered by the United States through cancellation of patents, and are located in Sec. 20, T. 12 N., R. 22 E., C. & S. R. M., near the town of Shumway, and have been designated under the enlarged and stock-raising homestead laws.

Further information, if desired, may be obtained from the United States local land office at Phoenix.

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RECOVERED THROUGH CANCELLATION OF PATENT.

(438)

MONTANA:

n Two hundred eighty acres in Hill County, Great Falls land district, open to entry under the homestead and desert-land laws by ex-service men of the war with Germany for a period of ninety-one days, beginning July 8, 1924. Filings may be presented at any time within the twenty days prior to that date. On and after October 7, 1924, any of said land remaining unentered will be subject to appropriation under any applicable public land law by the general public.

The land has been recovered by the United States through cancellation of a patent and is located in Secs. 21 and 22, T. 30 N., R. 4 E., P. M., near the towns of Beatrice and Kinread, and has been designated under the enlarged and stock-raising homestead laws.

Further information, if desired, may be obtained from the United States local land office at Great Falls.

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OPEN TO ENTRY THROUGH SURVEYS AND RESURVEYS.

(439)

COLORADO:

MONTANA:

NEVADA:

NEW MEXICO:

UTAH:

WYOMING:

The official plats of the survey and resurvey of public lands have been transmitted to Surveyors General with instructions to transmit copies thereof to United States land offices for official filing as follows:

T. 7 S., R. 90 W., and fractional T. 5 S., R. 93 W., 6th P. M., Colorado, with letter dated June 2, 1924, approximately 22,500 acres; United States land office at Glenwood Springs.

Ts. 25, 26, and 27 N., Rs. 35 and 36 E., Ts. 26 and 27 N., Rs. 36 $\frac{1}{2}$ and 37 E., fractional T. 15 S., R. 5 W., P. M., Montana, with letters dated May 5, 1924, approximately 180,500 acres; United States land offices at Helena and Glasgow.

Fractional T. 5 S., R. 71 E., M. D. M., Nevada, with letter dated June 2, 1924, approximately 11,000 acres; United States land office at Carson City.

Fractional Ts. 21 S., Rs. 4 and 5 E., N. M. P. M., New Mexico, with letter dated June 6, 1924, approximately 12,000 acres; United States land office at Las Cruces.

T. 33 S., R. 12 E., T. 5 S., R. 25 E., fractional T. 5 S., R. 24 E., fractional T. 6 S., R. 25 E., S. L. M., Utah, with letters dated May 5 and May 22, 1924, approximately 41,800 acres; United States land offices at Salt Lake City and Vernal.

T. 41 N., R. 92 W., T. 32 N., R. 79 W., and fractional T. 32 N., R. 80 W., 6th P. M., Wyoming, with letters dated May 26 and June 3, 1924, approximately 41,000 acres; United States land offices at Buffalo and Douglas.

The dates of filing will be fixed by the registers of the several offices and the public lands indicated will be open to entry and subject to prior valid settlement rights and equitable claims and ex-service men of the World War will be entitled to a preference right to enter these lands under the homestead and desert-land laws for a period of ninety-one days, beginning with the date of the filings of the plats under Public Resolutions Nos. 36 and 79, dated January 21 and December 28, 1922, respectively.

The lands in Colorado are rough and mountainous with considerable timber. There is water and a good growth of grass, and the lands are generally adapted for grazing. The soil is sandy and clay loam, stony and rocky, third to fourth rates.

Fractional T. 15 S., R. 5 W., Montana, is mountainous and rolling with considerable good fir timber. Soil is rocky clay loam, second to fourth rates. The other townships named in Montana are generally rolling and level with sage brush and grass which affords fair grazing. The soil is sandy, gravelly, gumbo, mostly third rate.

Fractional T. 5 S., R. 71 E., Nevada, is mountainous covered with a scant growth of timber and undergrowth. Soil is rocky loam.

Fractional Ts. 21 S., Rs. 4 and 5 E., New Mexico, are mountainous with undergrowth of cactus and yucca. The soil is rocky with bed rock near the surface, fourth rate.

The lands in Utah are mountainous, rolling and level. There is considerable timber on the rocky portions with rocky, gravelly soil, third and fourth rates. On the rolling and level lands there is a good growth of native grasses which afford excellent grazing. The soil is a sandy loam mixed with gravel and stone, about second rate.

In Wyoming the lands are mountainous and rolling with an abundant growth of grass all valuable for grazing purposes. There is considerable timber on the mountainous portions; the soil is a sandy clay mixture, rocky on the rough lands, second and third rates.

RESTORATION FROM CAREY ACT SEGREGATIONS.

(440)

IDAHO:

6,371.77 acres of land in Custer County, Hailey land district, opened to homestead entry, including enlarged and stock-raising and desert-land entry by ex-service men of the war with Germany, for a period of ninety-one days, beginning July 24, 1924. This preference right is subject, however, to the preference right for 90 days, accorded adjoining entrymen and patentees under the act of December 29, 1916 (39 Stat., 862).

Applications to make entry by ex-service men may be filed during the 20 days preceding July 24, 1924, conflicting applications so filed to be considered as simultaneously filed, and to be disposed of by lot.

Any land remaining unentered will be subject to entry under the applicable land laws by the general public, beginning October 23, 1924.

Available information indicates that climatic conditions on these lands are unfavorable to diversified farming, and that the lands have practically no agricultural value, their use being limited to stock-raising, and the value even for this purpose being comparatively small.

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RESTORATION OF LAND RECOVERED THROUGH COURT PROCEEDINGS.

(441)

NEVADA:

One hundred sixty acres in Nye County, Carson City land district, open to entry only by ex-service men of the war with Germany under the homestead or desert-land laws for ninety-one days, beginning July 24, 1924. Filings may be presented during the 20 days prior to that date. On and after October 23, 1924, any of the land remaining unentered will be subject to appropriation under any applicable public land laws by the general public.

The land has been recovered by the United States through the setting aside of a desert land patent by court proceedings, will grow crops with irrigation, and is located about 8 miles northeast of Death Valley, California.

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RESTORATION OF LAND RECOVERED THROUGH COURT PROCEEDINGS.

(442)

IDAHO:

177.30 acres in Bonneville County, Blackfoot land district, open to entry only by ex-service men of the war with Germany under the homestead or desert-land laws for ninety-one days, beginning July 25, 1924. Filings may be presented at any time during the 20 days prior to that date. On and after October 24, 1924, any of such land remaining unentered will be subject to appropriation under any applicable public land law by the general public.

The land has been recovered by the United States through the setting aside of a homestead patent by court proceedings, is surrounded by entered land and reported to be good summer grazing land. It is located at an elevation of 6,300 feet and about 45 miles by road from Idaho Falls.

CONSOLIDATED WORK REPORT OF LOCAL LAND OFFICES FOR
THE MONTH OF MAY, 1924.

OFFICES	End Last Month.			Received and Disposed of.		End of This Month.		
	Pend- ing desig- nation.	Sus- pend- ed re- jected other- wise.	Pend- ing un- acted on by R. & R.	Rec'd. in this month.	Trans- mitted to GLO this month.	Now pend- ing desig- na- tion.	Now sus- pend- ed re- jected other- wise.	Pend- ing unact- ed on by R. & R.
Alabama								
Montgomery		14		19	20		13	
Arizona								
Phoenix	142	165		265	271	142	159	
Arkansas								
Harrison		21		51	55		17	
Little Rock		221		53	44		230	
California								
El Centro	9	31		22	20	10	32	
Eureka	42	1		15	11	44	3	
Independence	31	95		62	60	42	86	
Los Angeles	34	146		168	174	36	158	
Sacramento	61	83		74	65	62	91	
San Francisco	100	57		86	87	105	51	
Susanville	18	14		27	23	22	14	
Visalia	12	38		52	35	12	55	
Colorado								
Del Norte	28	4		17	18	25	6	
Denver	107	83		79	146	58	65	
Durango	23	72		70	107	35	23	
Glenwood Sprgs.	226	613		387	557	231	438	
Lamar	40	28	4	69	54	41	31	15
Leadville	6	34		34	40	1	33	
Montrose	79	150		135	130	80	154	
Pueblo	192	365		167	293	187	244	
Sterling	12	12		24	23	14	11	
Florida								
Gainesville		33	6	83	79		33	10
Idaho								
Blackfoot	55	71		132	92	34	132	
Boise	69	54		117	103	70	67	
Coeur d'Alene	1	34		19	22		32	
Hailey	35	90		63	45	50	93	
Lewiston	10	27		9	14	10	22	

Kansas						
Topeka	30	12	10	15	30	7
Louisiana						
Baton Rouge		17	17	16		18
Michigan						
Marquette		13	9	10		12
Minnesota						
Cass Lake		4	22	24		2
Crookston	9		17	20		6
Duluth		7	31	32		6
Mississippi						
Jackson		17	20	16		21
Montana						
Billings	13	19	19	22	13	16
Bozeman	48	61	31	37	47	56
Glasgow	99	42	69	69	101	40
Great Falls	25	123	44	84	23	85
Harve	40	48	48	46	35	55
Helena	96	104	76	48	65	163
Kalispell	1	5	12	11		7
Lewistown	109	29	21	24	106	29
Miles City	112	81	188	188	116	77
Missoula	9	8	15	17	5	10
Nebraska						
Alliance	24	4	32	28	24	8
Lincoln	20	5	9	8	21	5
Nevada						
Carson City	36	108	27	26	19	126
Elko	30	30	22	13	31	38
New Mexico						
Clayton	67	32	35	28	70	36
Fort Sumner (a)						
Las Cruces	43	96	100	113	39	87
Roswell	63	87	169	194	56	69
Santa Fe	47	129	267	204	53	186
North Dakota						
Bismarck	18	22	37	30	19	28
Dickinson	10	6	7	9	11	3
Oklahoma						
Guthrie	47	4	34	30	48	7
Oregon						
Burns	25	7	34	24	27	15
La Grande	59	53	38	36	61	53
Lakeview	56	51	25	22	57	53
Portland		6	33	30		9
Roseburg		44	81	80		45
The Dalles	107	33	65	54	118	33
Vale	21	60	45	41	21	64
South Dakota						
Bellefourche	4	5	21	22	4	4
Pierre	55	22	52	38	58	33
Rapid City	18	29	57	63	19	22

Utah								
Salt Lake City	307	244		266	243	326	248	
Vernal	23	48		45	63	28	25	
Washington								
Seattle		7		11	13		5	
Spokane	16	38		29	28	16	39	
Vancouver	2	4		10	11	2	3	
Walla Walla	22	1		11	11	22	1	
Waterville	26	14		22	25	23	14	
Yakima	9	1		13	13	8	2	
Wisconsin								
Wausau		1		9	4		6	
Wyoming								
Buffalo	70	41		109	116	66	38	
Cheyenne	65	174		204	195	70	178	
Douglas	29	90		163	160	25	97	
Evanston	44	141		74	38	37	184	
Lander	22	29		31	19	23	40	
Newcastle	71	61		125	126	59	72	
Total,	3,379	4,873	10	5,260	5,425	3,313	4,759	25

(a)--No report received from this office on June 27, 1924.

LEGAL HONORS FOR THE GENERAL LAND OFFICE.

The General Land Office has made a good record in the law schools of the city this year, as the following announcements will show:

Washington College of Law:

Miss Minnie M. James, LL.B.
Miss Mary L. Kessler, LL.B.
Miss Sylvia Morgan, LL.B.

Georgetown University:

Mr. John P. Hennessey, LL.B.
Mr. Paul J. Orlosky, LL.B.
Mr. John T. Quinn, LL.M.

National University Law School:

Mr. Stephen E. Morgan, LL.M. and M.P.L.,
also winner of the faculty prize for the
best debater.
Mr. William S. Towner, LL.B.
Miss Mary Z. Van Horn, LL.B.

George Washington University:

Mr. I. W. Cashatt, LL.B.

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OBITUARY.

Racheel Cordelia Levy.--One more name is removed from the swiftly moving scroll of time; another record closed beyond recall; but the memory of this name and this record will linger long in the Land Office.

March 24, 1924, Miss Levy completed a period of fifty year's service for the Government, all of which with the exception of three years was in the General Land Office. On this anniversary the officials of the office and her associates took occasion to express by appropriate testimonials their high appreciation, not only of her long period of excellent service, but also of the kindly regard in which she was held. Her last day of active duty was April 7; the close came June 19, and during the intervening days the question went about the office daily: "What do you hear from Miss Levy?" A woman of strongly marked personality; fearless in what she believed to be right, but with it all she was everyone's friend and everyone her friend. Other people will be found to do her work, but no one to take her place. She was actively identified with the Beneficial Association of the Interior Department from its organization; a charter member of the Prisoners Aid Society, and a member of the Starmont Aid for the prevention of tuberculosis.

Funeral services were held at her late residence 1351 Shepherd Street, June 21; the interment at Rock Creek Cemetery.

PRESIDENTIAL APPOINTMENTS.

James J. Donegan, now Receiver of Public Moneys at Burns, Oregon, to be Register of the land office at that place, effective August 17, 1924, on consolidation of the offices of Register and Receiver. Commission dated June 24, 1924.

Charles E. Player, of Independence, California, to be Register of the land office at that place, vice Oliver C. Harper, whose term has expired. Commission dated June 23, 1924.

William H. Dickinson, of Lander, Wyoming, to be Register of the land office at that place, vice Irving W. Wright, resigned. Commission dated July 1, 1924.

RESIGNATIONS.

Irving W. Wright, Register of the land office at Lander, Wyoming. Resignation tendered June 20, 1924; accepted effective upon the appointment and qualification of his successor.

CONSOLIDATION OF OFFICES OF REGISTER AND RECEIVER.

The commission of the Register at Eureka, California, having expired September 22, 1923, the offices of Register and Receiver at that place have been consolidated by departmental order of June 18, 1924, effective August 17, 1924, under authority of the act of June 5, 1924 (Public No. 199), making appropriations for the Department of the Interior for the fiscal year ending June 30, 1925, and the act of October 28, 1921 (42 Stat., 208), therein referred to and made a part thereof.

The Department on the same day took similar action with reference to the land office at Burns, Oregon, the commission of the present Register having expired May 5, 1924.

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TELL THE BULLETIN.

To All Local Offices and Field Service Employees:

If anything occurs, in the public land service, which you think is of administrative value, tell us about it. Address all communications to the Commissioner of the General Land Office, "Land Service Bulletin." All information should be received not later than the 24th of each month for use in the current number.

LAND SERVICE BULLETIN DEPARTMENT OF THE INTERIOR GENERAL LAND OFFICE

By direction of the Secretary of the Interior the matter contained herein is published as administrative information and is required for the proper trans-
action of public business.

Vol. 8.

August 1, 1924.

No. 6.

ADMINISTRATIVE EFFICIENCY.

At the seventh regular meeting of the Business Organization of the Govern-
ment, which occurred June 30, 1924, at Memorial Continental Hall addresses were
delivered by the President and the Director of the Bureau of the Budget dealing
with the importance of a careful supervision of our national expenditures, and
the extract that follows from the President's address sounds a call for cooper-
ation to all branches of the public service:

"This insistent demand for economy and reduction in expenditures necessa-
rily requires increasing efficiency of administration. I realize that it is
making an ever-increasing call upon the administrative ability of responsi-
ble officials. But this is a call for real service. It demands a most
searching inquiry into the field of your activities so as to remove entirely
from them all elements which are not essential and so as to curtail all those
which may be reduced without prejudice to the welfare of the Nation. If
there is any question as to the authority of heads of departments or es-
tablishments to discontinue or reduce any phase of existing work it is my
desire that they report the matter to me. The duty and the opportunity to-
day of the Government's administrators is not to enter upon new fields of
enterprise. On the other hand, it is their duty and opportunity to carry
on approved and necessary activities with the smallest possible expenditure.
In the past twenty years the Government's activities have developed and
multiplied in a most extraordinary way. Certainly the initiation of new
activities should be discouraged unless essential to the well-being of the
Nation. We, the administrators of the Government's great business interests,
should have at this time only one thought and policy--to perform efficiently
the functions devolving upon us under the law. And we should accomplish
this with the smallest possible demand upon the Treasury."

SURVEY NOTES.

ANNUAL SURVEYING INSTRUCTIONS.

To the Cadastral Engineering Service

of the General Land Office:

Under the provisions of the act of June 5, 1924 (Public No. 199, 68th Congress), making appropriations for the Department of the Interior for the fiscal year ending June 30, 1925, and for other purposes, the following item appears under the heading "Surveying Public Lands:"

"For surveys and resurveys of public lands, examination of surveys heretofore made and reported to be defective or fraudulent, inspecting mineral deposits, coal fields, and timber districts, making fragmentary surveys, and such other surveys or examinations as may be required for identification of lands for purposes of evidence in any suit or proceeding in behalf of the United States, under the supervision of the Commissioner of the General Land Office and direction of the Secretary of the Interior, \$700,000: Provided, That the sum of not exceeding 10 per centum of the amount hereby appropriated may be expended by the Commissioner of the General Land Office, with the approval of the Secretary of the Interior, for the purchase of metal or other equally durable monuments to be used for public land survey corners wherever practicable: Provided further, That not to exceed \$10,000 of this appropriation may be expended for salaries of employees of the field surveying service temporarily detailed to the General Land Office: Provided further, That not to exceed \$20,000 of this appropriation may be used for the survey, classification, and sale of the lands and timber of the so-called Oregon and California Railroad lands and the Coos Bay Wagon Road lands: Provided further, That not to exceed \$50,000 of this appropriation may be used for surveys and resurveys, under the rectangular system provided by law, of public lands deemed to be valuable for oil and oil shale."

There is embodied in the act the following new legislation:

"The purchase of supplies and equipment or the procurement of services for the Department of the Interior, the bureaus and offices thereof * * * at the seat of Government, as well as those located in the field outside the District of Columbia, may be made in open market without compliance with sections 3709 and 3744 of the Revised Statutes of the United States, in the manner common among business men, when the aggregate amount of the purchase or the service does not exceed \$100 in any instance."

Deducting from the appropriation of \$700,000 the sums of \$22,000 for supervisor's office; \$48,000 for the Eastern District; \$25,000 for iron posts; \$25,000 for freight and express; \$2,500 for stationery; \$10,000 for salaries of field employees temporarily detailed to this office; \$14,000 for the survey classification and sale of the lands and timber of the so-called Oregon and California Railroad lands and the Coos Bay Wagon Road lands; \$5,500 for retirement and \$18,000 for reserve, there remains available for apportionment among the several surveying districts the sum of \$530,000.

From the total of \$530,000 there is hereby apportioned to:

Alaska.....	\$40,000
Arizona.....	45,000
California.....	40,000
Colorado.....	48,000
Idaho.....	40,000
Montana.....	48,000
Nebraska and South Dakota.....	35,000
Nevada.....	35,000
New Mexico.....	45,000
Oregon.....	46,000
Utah.....	48,000
Washington.....	25,000
Wyoming.....	35,000

The annual instructions dated August 30, 1923, are full and complete and the provisions thereof are hereby made equally applicable to the services to be rendered during the current fiscal year.

Hereafter when there is represented on any plat of survey a mineral monument, the name of the mining district will be shown in addition to the number of the monument.

Surveys in Alaska Executed by United States Deputy Surveyors.--The following instructions were issued July 22, 1924, with a view to harmonizing the existing practice of disposing of surveys executed in Alaska by United States Deputy Surveyors with the provisions of Circular No. 491:

(1) Upon receipt by the Surveyor General of Alaska of the returns of any survey executed by a United States Deputy Surveyor involving other than mineral claims, he will examine same to determine the sufficiency and correctness of the field work, and if he finds material defects, he will reject the work, or require such corrections as may be necessary to produce an acceptable survey.

(2) When a survey is found to be properly executed, the Surveyor General will proceed to approve the returns and forward the duplicate plats and transcript of field notes to the General Land Office for final examination looking to an acceptance, but will withhold the filing of the original and triplicate plats and field notes. He will also advise the Assistant Supervisor of Surveys and Public Lands of the action taken in order that the latter may determine whether or not any survey examination or field investigation is necessary.

(3) If the Assistant Supervisor of Surveys and Public Lands determines that no examination or investigation is necessary, he will at once so report to the Commissioner of the General Land Office with his recommendation, but if he decides that an examination or investigation, or both, are necessary, he will take appropriate steps to accomplish same at the earliest practicable dates, remembering that final action by the Commissioner on the survey must await his report.

(4) In the matter of making the field examination and investigation, the Assistant Supervisor of Surveys and Public Lands will, so far as practicable and advisable, arrange for only one field inspection to cover all points and questions necessary to be looked into either on the part of the surveying service or the field service, to the end that the expense and time necessary to make two investigations of the same land remotely situated may be avoided wherever possible. The administration of the work in these two branches of the service has been much simplified by the appointment of Mr. George A. Parks to perform the duties heretofore discharged by both the Assistant Supervisor of Surveys and Chief of Field Division.

(5) Upon receipt by the Commissioner of the General Land Office of the returns of a survey duly approved by the Surveyor General and the report of the Assistant Supervisor of Surveys and Public Lands, the merits and sufficiency of the survey will be thoroughly examined into and its correctness tested. When the work is found to be properly performed, it will be accepted, the duplicate plat and transcript of field notes filed in the surveying archives of the General Land Office, the Surveyor General so advised and authorized to file the original returns in his office, and the triplicate plat and transcript of field notes in the local land office of the district in which the lands are situated, all in accordance with the usual practice.

It will be noted that by the above the responsibility for final action on all surveys executed in Alaska by United States Deputy Surveyors involving other than mineral claims is transferred from the Surveyor General to the Commissioner of the General Land Office and that no returns of such surveys are to be placed of record in the local land office until the work is formally accepted by the Commissioner and specific authority given to dispose of the returns.

Survey of Indian Villages, Alaska.--In order to protect the possessory rights of the native Alaskan Indians who are living in villages, and to encourage them in the administration of their local affairs as fostered by the Bureau of Education, this office, on July 17, 1924, authorized the survey and subdivision of such Indian villages as might be decided upon by the Assistant Supervisor of Surveys and Public Lands in conference with the local representatives of the Bureau of Education and the United States Surveyor General. The work will involve the survey of the exterior limits of a village to protect the community from encroachment by the whites and the subdivision of the included lands so that each villager may be assigned a definite lot or parcel of land as a possessory right.

Survey Boundaries, Rocky Mountain National Park, Colorado.--The Department, on July 29, 1924, approved the conclusion reached by this office based upon the request of the National Park Service and recommendation of the Supervisor of Surveys that the entire boundary of the Rocky Mountain National Park, Colorado, be resurveyed. The park was created by the act of January 26, 1915 (38 Stat., 798), as amended by the act of February 14, 1917 (39 Stat., 916), and the boundary line conforms to the legal subdivisions of the public land surveys, except in four places. Some progress has already been made towards surveying the boundary line in two of these places, as provided for under Group No. 158, but it is anticipated that the survey of the major portion of the boundary line which conforms to the rectangular system will require the resurvey of a number of townships in whole or in part before the necessary foundation is created for the proposed work.

Because of the magnitude of the undertaking, the Supervisor of Surveys has been requested to confer with the Surveyor General and Superintendent of the park with a view to developing a plan of procedure that will each surveying season give attention to those places that stand in greatest need of relief without too heavily burdening any annual appropriation and at the same time permit of some systematic development of the problem as a whole until the total boundary of the park is surveyed.

Cooperation with Forest Service.--The following copy of a letter dated July 17, 1924, from the District Forester, Albuquerque, New Mexico, to the Assistant Supervisor of Surveys at Santa Fe, New Mexico, refers to a new field of cooperative work in which the Cadastral Engineering Service is functioning, and is self-explanatory:

"Correspondence between you and Mr. Long, District Engineer of the Southwestern District of the Forest Service, has come to my attention.

From it I have learned of the splendid cooperation you are extending in having your field men, while engaged in township surveys, make ties from public land corners to U. S. G. S. and C. & G. S. triangulation stations particularly for the benefit of the Forest Service. I understand that you are having this done even when considerable pains and extra actual work are required.

Our forest maps are entirely dependent for accuracy upon the public land lines and ties to the triangulation stations. Heretofore, in order to secure these ties, it has been necessary to send a surveyor from this office at heavy expense in both time and money.

While the additional work your men are doing may not involve any great financial cost to your department, it shows, nevertheless, a spirit that is highly commendable and I am glad to express to you the appreciation I feel. I am having a copy of this letter sent to the Forester at Washington who I am sure will be pleased to know of this instance of hearty coordination in the interest of public business.

FIELD SERVICE NOTES.

Special Agent Ralph L. Neary has been transferred from the Santa Fe to the Denver Division.

Special Agent E. S. Foley is now employed in the Cheyenne Division, having been recently transferred from the Portland Division.

T. M. Loughlin has been transferred from the San Francisco to the Cheyenne Division.

Chief of Field Service Hair is now in the West on his regular tour of visitation to the various field divisions. He expects to be absent from Washington for two months.

Tires and tubes for our Government machines are being furnished under contract through the General Supply Committee. Many complaints have been made as to wearing qualities of both. Chiefs of Field Division, and all field men using Government cars, are requested to watch performances of both casings and inner tubes and in every instance where the service is less than we have a right to expect, notify the Chief of Field Service, that the attention of the General Supply Committee may be called thereto. The Committee desires this information that it may compel contractors to make good defective supplies, and, at the same time, ascertain what manufacturers are trying to put something over on the Government. Give casings and tubes a square deal by proper mounting and inflation, and then report all deficiencies.

One of the pleasures of a Field Service employee was recently experienced by Timber Cruiser James E. McCrea. While cruising in the mountains of Garland County, Arkansas, he shot a diamond-back rattler which, without the head, measured 81 inches in length, carried 18 rattles and weighed 60 pounds. He submitted a photograph of his snakeship as proof of the truth of his story.

RED RIVER OIL CLAIMS.

The recommendations of the Commissioner of the General Land Office to the Secretary of the Interior relative to the claims filed on lands in the Red River oil district bordering on Oklahoma and Texas were submitted on July 15, 1924.

There were 178 applications involved in the claims only 16 of which were not conflicting. In his recommendations the General Land Commissioner suggested awards in the case of 36 claims rejecting all the others, two of the 36 being undisputed. The adjudication of the claims was authorized by an act of Congress that passed on March 4, 1923. It was not until June 30, 1924, that the Supreme Court turned over to the Interior Department jurisdiction over these lands and within ten days the General Land Office completed action on the claims filed.

The recommendations submitted do not bind the Government to issue oil leases to the applicants to whom the awards are made, but merely settles the rights between the rival claimants. Neither will there be a distribution of the funds derived from the operations of the oil wells in the Red River field as a result of these recommendations. This fund was recently transferred to the Secretary of the Interior by the Supreme Court and will be held pending a decision of its final disposition.

All the claimants, whose applications have been rejected by the General Land Commissioner in these recommendations, have the right of appeal to the Secretary of the Interior. They will be given until August 31, 1924,

to file this appeal and must serve it also on all other conflicting claimants, who will be allowed until September 15, 1924, to make a reply. The question of oral hearings will be decided by the Secretary after the cases have been completed by appeals and replies. The following is a list by States of awards recommended:

COLORADO.

Three claims of Ben Bergeman, trustee, Pueblo, Colorado.

Three claims of Pacific-Wyoming Oil Company, Denver, Colorado.

Claim of D. V. Burrell, et al, and National Exploration Company,
Denver, Colorado.

Claim of D. V. Burrell, et al, and Red River Oil Corporation,
Denver, Colorado.

Claim of Carl C. Staley, et al, and National Exploration Company,
Denver, Colorado.

Claim of J. L. Ellsworth, et al, and National Exploration Company,
Denver, Colorado.

Claim of F. A. Pine, et al, Denver, Colorado.

DISTRICT OF COLUMBIA.

Claim of Darius V. Dyke, et al, Washington, D. C.

INDIANA.

Claim of Burke Divide Oil Company, Terre Haute, Indiana, (Belle Isle)

Claim of Burke Divide Oil Company, Terre Haute, Indiana, (Judsonia).

Claim of Burke Divide Oil Company, Terre Haute, Indiana, (Mary Isle).

OKLAHOMA.

Claim of AAA-1 Placer Mining Association, Oklahoma City, Oklahoma.

Claim of Aaba Placer Mining Association, Oklahoma City, Oklahoma.

Claim of Pearl A. Little, et al, Oklahoma City, Oklahoma.

Claim of Lemon Placer Mining Association, Frederick, Oklahoma.

Claim of Clyde C. Owen, et al, Oklahoma City, Oklahoma.

Claim of A. C. Kendrick, et al, Oklahoma City, Oklahoma.

Claim of John T. Smith, et al, Oklahoma City, Oklahoma.

Claim of T. E. Kendrick, et al, Oklahoma City, Oklahoma.

Claim of H. L. Roberts, H. R. King, R. E. Litton, J. L. Meeks, and
M. B. Pickens, Frederick, Oklahoma.

Claim of Nathan Ulrich, et al, Oklahoma City, Oklahoma.

Two claims of A. E. Pearson, et al, and Silver Moon Oil Company,
Oklahoma City, Oklahoma.

TEXAS.

Claim of Melish Consolidated Placer Mining Association, Wichita Falls, Texas, (Lucky Spot claim).

Claim of Melish Consolidated Placer Mining Association, Wichita Falls, Texas, (Black Jack claim).

Claim of Melville E. Peter, James M. Patterson, and William G. Trigg, Wichita Falls, Texas.

Claim of M. N. Addison, et al, Wichita Falls, Texas.

Claim of McKinley A. Testerman, et al, Wichita Falls, Texas.

Claim of James M. Patterson, and William Trigg, Wichita Falls, Texas.

Claim of James M. Patterson and Melville E. Peters, Wichita Falls, Texas.

Claim of Melish Consolidated Placer Mining Company, Wichita Falls, Texas, (Border Line).

Claim of Delta Oil Company, Ewing Clagett, receiver, Wichita Falls, Texas.

READJUSTED COMPENSATION IN THE FIELD SURVEYING SERVICE.

Office of the Supervisor of Surveys

Denver, Colorado.

July 7, 1924.

The Commissioner
of the General Land Office,
Washington, D. C.

Sir:

I have the honor to acknowledge receipt of letters from the Chief of Division of Appointments, Office of the Secretary, informing members of this Service of their readjusted compensation, transmitted with your letter "A" LRK, dated June 30, 1924, with which was also inclosed copy of the tabulated list prepared by your office, containing data from which the Office of the Secretary prepared the notices.

The notices have been mailed to all interested. The oaths of office will be forwarded as soon as executed and returned to this office.

I will not attempt here to reflect the sense of deep appreciation felt throughout the Service as a result of the President's order and the action taken by the Secretary and yourself, but I will say that our devotion to duty and pride of service will continue as always but with renewed inspiration to help keep the General Land Office in the front ranks of Governmental agencies serving the public.

Very respectfully,

FRANK M. JOHNSON,

Supervisor of Surveys.

RECENT DECISIONS OF THE COURTS AND THE DEPARTMENT.

Water Rights--Appropriation.--A homesteader is held to have acquired rights by diversion of water to tan vats on Government land, thinking the vats were on his own land. *Turvey v. Kincaid* (226 Pacific Reporter.)

Mining Claim--Assessment Work--Relocation.--While under the act of February 24, 1921, upon failure to comply with conditions concerning monuments, marking boundaries, and performance of labor each year on mining claims, such claims become open to relocation, as if no location had ever been made, if the original locator resumes work relocation is unauthorized. (Supreme Court of Oregon.) *Banfield et al. v. Crispen et al* (226 Pacific Reporter, 235.)

Stock-raising Homestead--Husband and Wife--Exemption from Debt.--Government land acquired under the stock-raising homestead law of Congress by an entryman who is unmarried at the time of making the entry is the separate property of the entryman, notwithstanding he is a married man at the time of making final proof; and land so acquired is exempt from attachment or execution for a debt contracted by the entryman prior to issuance of patent from the Government. (Supreme Court of New Mexico.) *Citizens National Bank of Albuquerque v. Ruley* (226 Pacific Reporter, 416.)

Water Rights--Notice of Appropriation.--Whether the original notice of water appropriator claimed more water than did the recorded notice is held immaterial, as respects rights of his successors in interest as against subsequent claimant; material question being whether original appropriator and successors appropriated quantity claimed by latter. (Supreme Court of Oregon.) *Blanchard v. Hartley* (226 Pacific Reporter, 436.)

Water Rights--Beneficiaries of Trust.--Land owners do not abandon their rights in instrumentalities of irrigation company or their right to water by non-payment of water charges, or by appeal to Public Service Commission, where they were beneficiaries of a trust declared by irrigation company, and covenanted to pay water charges as covenant ran with the land figured to benefit all beneficiaries, and trustee could not on plea of abandonment by a beneficiary sever water right from the land and increase burden on other beneficiaries, but was bound to enforce the covenant by foreclosure of its lien.

Water Rights--Perpetual Water Right.--Rights created by deeds of land by an irrigation company, with perpetual right to water, is not merely a contractual right so that only remedy would be compulsory performance, since sale of perpetual use of a thing is a sale of the thing, whatever ground rent or other charge be reserved. *Adamson et al v. Black Rock Power and Irrigation Company.* (297 Federal Reporter, 905.)

School Land Grant--Mineral Lands.--The State of Florida is not entitled to select phosphate land in lieu of school lands lost, and it is held in the suit to set aside approval of the Secretary of the Interior of selections of land made by the State in lieu of school lands that the evidence shows that defendant, grantee of State, who procured divesting of title of the United States, had reason to believe that the land was most valuable for phosphate deposits. *United States v. Charleston, S. C., Mining and Manufacturing Company et al* (298 Federal Reporter, 127.)

Confirmation--Section 7, Act of March 3, 1891.--In a decision handed down April 7, 1924, the Circuit Court of Appeals, Ninth Circuit (298 Federal Reporter, 457), in the case of *United States v. Newton et al*, held where at the expiration of two years from the date of a receiver's receipt there was no pending contest or protest against the entry of a homestead, the entryman is entitled to a patent under act of March 3, 1891. In concluding its decision the court said: "Of course we do not mean to decide that no action could be commenced to cancel the patent after it had issued. In our opinion the decree of the District Court should have been a dismissal without prejudice to the United States to bring an action to cancel the patent. The decree of the District Court will therefore be modified accordingly, and, as so modified, will be affirmed."

This is another phase of the question that was considered by the Supreme Court of the United States in the case of *Payne v. Newton* (255 U. S., 438).

Private Land Claim--Confirmation.--The act of February 8, 1827, confirming title to a grant made by Spanish authority of land in Florida, of undefined boundary, is held to vest the title in the confirmer from the date when the land was surveyed in 1847; the patent subsequently issued being merely documentary evidence of such title, relating back to date of survey. *Sanchez et al v. Deering* (298 Federal Reporter, 286).

Water Rights--Carey Act Project.--Where the acreage of a Carey Act project is reduced on account of insufficient water supply, settlers owning water rights within the excluded area are not deprived of their rights by such reduction of acreage, but have a vested right in such water rights, and the same are properly subject to sale by the owners and subject to be transferred to lands within the retained area. (*Supreme Court of Idaho.*) *Glavin v. Salmon River Canal Company* (226 Pacific Reporter, 739).

Oil and Gas Lands--Prospecting Permit--Lease-Preference Right--Secretary of the Interior-Supervisory Authority.--Included in the general power conferred upon the Secretary of the Interior by section 32 of the act of February 25, 1920, to make regulations and to do all things necessary to accomplish the purposes of the leasing act, is the discretionary authority to prescribe conditions with respect to the exercise of the preference right to a permit or lease accorded by that act.

Waiver--Oil and Gas Lands--Prospecting Permit--Homestead Entry--Preference Right.--A waiver of a legal right is an intentional foregoing of the exercise of that right, and where the question arises as to whether silence or failure to act constitutes a constructive waiver, the conduct of the one on the part of whom the waiver is imputed may be considered in determining that point.

Waiver--Estoppel--Oil and Gas Lands--Prospecting Permit--Homestead--Preference Right.--A waiver differs from an estoppel in that it is not dependent for its effectiveness upon the action of others.

Oil and Gas Lands--Prospecting Permit--Notice--Preference Right--Homestead Entry--Waiver.--Nonaction on the part of one to whom is accorded a preference right to an oil and gas prospecting permit by section 20 of the act of February 25, 1920, after service of notice upon him by a permit applicant in accordance with a departmental regulation issued pursuant to that act, creates a constructive waiver of the preference right which estops him from ever thereafter asserting the right, notwithstanding that the application in connection with which the notice was served is disallowed.

Court and Departmental Decisions Cited and Applied.--Cases of *Armstrong v. Agricultural Insurance Co.* (29 N. E., 991), *List and Son Co. v. Chase* (88 N. E., 120), *Kennedy v. Manry* (66 S. E., 29), *Fairbanks, Morse and Co. v. Baskett* (71 S. W., 1113), *Marine Iron Works v. Wiess* (148 Fed., 145), and *Johnson v. Patten* (49 L. D., 613), cited and applied.

Shaw v. Rink; decided February 20, 1924, by First Assistant Secretary Finney.

Oil and Gas Lands--Prospecting Permit--Mining Claim--Preference Right--Notice.--The preference right to prospect for oil and gas accorded by section 13 of the act of February 25, 1920, upon fulfillment of the notice requirement of that section was carried over into the leasing act from the provision of the placer mining laws which gave priorities to the one first locating mineral land on the ground and posting appropriate notice of the claim, and is equally applicable to both surveyed and unsurveyed land.

Oil and Gas Lands--Prospecting Permit--Application--Notice--Evidence.--The fact that an application for an oil and gas prospecting permit was deposited in the post office on a certain day and at a certain hour, does not, when wholly unsupported by other evidence, create a statutory presumption, such as obtains in certain cases involving mere notices to individuals, that the application was delivered in due course.

Military Service--Oil and Gas Lands--Prospecting Permit--Preference Right.--Military service is not recognized by the act of February 25, 1920, as a ground for the award of a preference right to an oil and gas prospecting permit.

Departmental Decisions Cited and Applied.--Cases of William C. Young (2 L. D., 326), Lewis v. Morris (27 L. D., 113), Barnes v. Smith (33 L. D., 582), Heter v. Lindley (35 L. D., 409), Bumpers v. Holloway (48 L. D., 269), and Wagner v. Coffin et al. (49 L. D., 655), cited and applied.

Witbeck v. Hardeman; decided April 16, 1924, by First Assistant Secretary Finney.

Reclamation--Payment--Application--Desert Land.--The power of Congress to delegate to an agency of a State the authority to provide for the reclamation of public arid lands within a State irrigation district, and the right of such instrumentality to assess the lands for the cost of their reclamation, can not be questioned by a mere applicant to make a desert-land entry.

Land Department--Courts--Jurisdiction--Public Lands--Statutes.--It is exclusively within the province of the courts to declare an act of Congress unconstitutional, and until an act dealing with the public lands is finally determined by the courts to be unconstitutional, it is the duty of the Land Department to administer it as Congress directs.

Court and Departmental Decisions Cited, Distinguished, and Applied.--Case of McCulloch v. Maryland (4 Wheat., 316), cited and distinguished; case of Virinda Vinson (39 L. D., 449), cited and applied.

Wilford H. Hudson; decided May 31, 1924, by First Assistant Secretary Finney.

Survey--Boundary--Patent--Improvements--Public Lands--Settlement--Homestead Entry.--A private survey made for the purpose of marking on the ground a theoretical line, platted but not run by the Government, where executed within the allowable departure from cardinal course, and relied upon by an owner under title passed by the United States in the placing of improvements upon the patented land, will not be disturbed, but it will be adopted by the Government as a boundary for closure of the survey of the adjoining public land.

Algoma Lumber Company v. Kruger; decided November 15, 1923, by First Assistant Secretary Finney; motion for rehearing denied, June 16, 1924.

DEPARTMENT OF THE INTERIOR
General Land Office
Washington

1078291

PUBLIC LANDS RESTORED TO HOMESTEAD ENTRY AND OTHER DISPOSITION
BY PROCLAMATION, EXECUTIVE OR DEPARTMENTAL ORDER.

Preference Rights to Ex-Service Men of the War with Germany.

General Method of Opening:

By virtue of Public Resolution No. 29, of February 14, 1920 (41 Stat., 434), as amended by Public Resolutions Nos. 36 and 79, approved January 21 and December 28, 1922, respectively, hereafter and until February 15, 1930, when any surveyed lands within the provisions of the public resolutions are opened or restored to disposition under the authority of the Department, such lands, unless otherwise provided in the order of restoration, shall become subject to appropriation under the laws applicable thereto in the following manner, and not otherwise:

Lands not affected by the preference rights conferred by the acts of August 18, 1894 (28 Stat., 394), or June 11, 1906 (34 Stat., 233), or February 14, 1920 (41 Stat., 407), will be subject to entry by soldiers under the homestead and desert-land laws, where both of said laws are applicable, or under the homestead law only, as the case may be, for a period of 91 days, beginning with the date of the filing of the township plat in the case of surveys or resurveys, and with the date specified in the order of restoration in all other cases, and thereafter to disposition under all of the public land laws, applicable thereto, except where homestead entrymen are granted a prior preference period under the order. For a period of 20 days and for a like period prior to the date or dates such lands become subject to entry by the general public, soldiers in the first instance, and qualified applicants in the second, may execute and file their applications, and all such applications presented within such 20-day periods, together with those offered at 9 o'clock a. m., standard time, on the dates such lands become subject to appropriation under such applications, shall be treated as filed simultaneously.

Unsurveyed lands are not subject to homestead or desert-land entry. A homestead entry may embrace 160 acres, or an approximation thereof, and where the lands are of the character contemplated by the 320 or 640 acres homestead acts, applications for the unappropriated lands may be filed by qualified persons, under either of said acts; accompanied by proper petitions, if undesignated, for the designation of lands thereunder, and such applications will be suspended pending determination as to the character of such lands.

The following are restorations or openings which will occur in the near future and concerning which further information may be obtained from the local offices:

OPEN TO ENTRY THROUGH SURVEY.

(443)
CALIFORNIA:

The official plats of the survey of public lands in T. 7 N., R. 22 E., T. 9 N., R. 20 E., T. 10 N., R. 20 E., and the following fractional townships; that is, T. 10 N., R. 19 E., T. 10 N., R. 21 E., T. 8 N., R. 13 E., T. 9 N., R. 13 E., T. 9 N., R. 14 E., T. 10 N., R. 14 E., T. 7 N., R. 15 E., T. 8 N., R. 15 E., T. 10 N., R. 15 E., and T. 8 N., R. 16 E., S. E. M., California, were transmitted to the Surveyor General with letters dated June 13 and 18, 1924, approximately 99,800 acres, with instructions to transmit copies thereof to the United States land office at Los Angeles for official filing.

The dates of filing will be fixed by the register of that office and the public lands indicated will be open to entry and subject to prior valid settlement rights and equitable claims, ex-servicemen of the World War will be entitled to enter these lands under the homestead and desert-land laws for a period of ninety-one days, beginning with the date of the filing of the plats under Public Resolutions Nos. 36 and 79, dated January 21 and December 28, 1922, respectively. All lands will be opened to general disposition on the expiration of the ninety-one day period.

The lands are reported as mountainous, rolling, and level, mostly desert in character. On the rough mountainous lands there is some scattering timber and a rocky soil, third and fourth rates. On the rolling and level lands an undergrowth of sagebrush, greasewood, cactus, and other varieties of desert growth are found, with a sandy, gravelly soil, about second rate. There are evidences of minerals in a number of the townships.

RESTORATION FROM POWER SITE RESERVE.

(444)

IDAHO:

OREGON:

About 7,000 acres in Washington and Idaho Counties, Idaho, Boise and Lewiston land districts, and about 1,200 acres in Baker County, Oregon, Vale and La Grande land districts, all of said lands are situated near the Snake River opened to entry under the homestead and desert-land laws by ex-service men of the war with Germany for a period of 91 days, beginning with August 2, 1924. Filings may be presented at any time during the 20 days prior to that date. On and after November 1, 1924, any of said lands remaining unentered will be opened to appropriation under any appropriate public land law by the general public.

Available information indicates that nearly all said lands are rugged and steep, suitable only for grazing.

The preference accorded ex-service men in this restoration is subject to valid prior settlement rights and equitable claims.

(445)

NEW MEXICO:

UTAH:

WYOMING:

OPEN TO ENTRY THROUGH SURVEYS AND RESURVEYS.

The official plats of the survey and resurvey of public lands have been transmitted to Surveyors General with instructions to transmit copies thereof to United States land offices for official filing as follows:

T. 17 S., R. 6 W., and fractional T. 34 S., R. 18 W., N. M. T. M., New Mexico, with letters dated June 10 and July 1, 1924, approximately 32,600 acres; United States land office at Las Cruces.

Ts. 11 and 12 S., R. 21 E., S. L. M., Utah, with letter dated July 7, 1924, approximately 33,000 acres; United States land office at Vernal.

T. 23 N., R. 71 W., and T. 56 N., R. 72 W., 6th P. M., Wyoming, with letter dated July 16, 1924, approximately 22,000 acres of available public lands; United States land offices at Cheyenne and Newcastle.

The lands in New Mexico are generally rolling, broken by ridges, draws, and gulches. The soil on the rougher portions is gravelly and stony, third and fourth rates, while that on the more level parts is a sandy, clay loam, second rate.

In Utah the lands are described as high, rolling mesas and broken benches covered with a medium growth of scrub timber and undergrowth of sage brush, shad scale, and greasewood which affords fair grazing. The soil is mostly a shallow, sandy, clay loam on rocky sandstone formation.

T. 23 N., R. 71 W., Wyoming is rough and mountainous except some rolling land in the south tier of sections. It is well watered by the Laramie River and numerous springs and creeks. The soil is thin and rocky and valuable only for grazing.

T. 56 N., R. 72 W., is broken and hilly with scattering timber and indications of lignite coal. The soil is a sandy loam of good quality, more or less rocky. Grass and sage brush afford good grazing.

Approved: July 18, 1924.

WILLIAM SPRY,

Commissioner.

LAND EXCLUDED FROM LINCOLN NATIONAL FOREST.

(446)

NEW MEXICO:

Eleven thousand five hundred and ninety-nine acres in scattered tracts in Lincoln, Otero, and Chaves Counties, Roswell land district, opened to homestead and desert-land entry by ex-service men of the war with Germany for a period of 91 days, beginning September 18. Filings may be presented during the 20 days prior to that date. On and after December 18, any of such land remaining unentered will be subject to appropriation under any applicable public land law by the general public.

The excluded areas are reported to be rough, semi-arid grazing land and are located in T. 4 S., Rs. 12 and 13 E., T. 7 S., R. 14 E., and T. 17 S., Rs. 15 and 16 E.

INSTRUCTIONS UNDER PROCLAMATION EXTENDING TIME FOR PAYMENT ON CROW INDIAN LANDS.

DEPARTMENT OF THE INTERIOR

General Land Office

Washington

July 5, 1924.

Register and Receiver,
Billings, Montana.

Gentlemen:

President's proclamation issued June 9, 1924, providing for further extension of time for payment by purchasers and entrymen under the President's proclamations of September 28, 1914 (38 Stat., 2029), and April 6, 1917 (40 Stat., 1653), of lands in the ceded portion of the Crow Indian Reservation, Montana, directs:

"That any purchaser or entryman of lands within said former reservation who is unable to pay the purchase money due under his purchase or entry made under the said proclamation of September 28, 1914, or the said proclamation of April 6, 1917, upon filing in the local land office an affidavit corroborated by two persons setting out his inability to make the required payment and the reasons therefor shall be granted an extension of time until the 1925 anniversary of the date of his entry or purchase upon the payment to the receiver of the district land office of interest at the rate of five per cent per annum on the amounts extended from the maturities thereof to the expiration of the period of extension. The district land office will promptly notify all purchasers and entrymen entitled to the extension of the manner in which it may be obtained. If the affidavit is not filed and the interest paid within thirty days from receipt of notice, or if, within such time, the amounts in arrears are not paid in full, the purchases or entries for which the amounts are due will be reported by the district land office to the General Land Office for cancellation."

Pursuant to said proclamation the following regulations are prescribed:

1. The said proclamation of September 28, 1914, provided that one-third of the price of the land must be paid when the entry or purchase is made. In case of a purchase the balance of the price must be paid in two equal payments, one year and two years thereafter and in case of any entry in two equal payments three years and four years thereafter unless paid sooner. The said proclamation of April 6, 1917, provided that one-fifth of the

purchase price must be paid on the day following the sale and that the balance must be paid in four equal annual installments in one, two, three, and four years after the date of sale unless paid sooner. By President's proclamations of May 5, 1920 (41 Stat., 1793), August 11, 1921 (42 Stat., 2246), July 10, 1922 (42 Stat., 2291), and December 18, 1923, extensions of time were allowed until the 1924 anniversaries of the dates of the purchases and entries made under the said proclamations of September 28, 1914, and April 6, 1917. Under the present proclamation an extension of time to the 1925 anniversaries of said purchases and entries may be secured under the conditions specified therein.

2. Within thirty days from receipt of notice to be given by you immediately any purchaser or entryman whose payments are in default at the time of such receipt must either pay the amounts due in full or he may file in your office a corroborated affidavit setting out his inability to do so, and the reason therefor accompanied by interest at the rate of 5 per cent per annum on the amounts for which an extension is sought.

3. The time for any payment can not be extended to a date beyond the 1925 anniversary.

4. Proof may be submitted at any time before such anniversary provided the requirements of the law as to payments are complied with.

5. No extension will be allowed unless the affidavit and interest as herein required are transmitted to your office within the time allowed.

You will forward a copy of these instructions to each purchaser or entryman who is affected thereby, advising him that in order to secure the benefits of said proclamation he must comply with its requirements as herein explained, and that in the event of his failure to take such action within the time allowed, the purchase or entry will be reported for cancellation and forfeiture of payments without further notice to him.

You will in due time report the cases in which no action has been taken, transmitting evidence of service of notice.

Very respectfully,

WILLIAM SPRY,

Commissioner.

Approved: July 5, 1924.

E. C. FINNEY,

First Assistant Secretary.

Circular No. 949.

CONTESTS AGAINST HOMESTEAD ENTRIES ON THE CHARGE OF
ABANDONMENT--CIRCULAR NO. 815 AMENDED.

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DEPARTMENT OF THE INTERIOR
General Land Office
Washington

July 11, 1924.

Registers and Receivers,
United States Land Offices.

Gentlemen:

Pursuant to a recent departmental ruling, Circular No. 815 of March 22, 1922 (48 L. D., 594), is hereby revoked, and you will be governed by the following:

In view of the provisions of section 1 of the act of July 28, 1917 (40 Stat., 248), you will not entertain a contest against a homestead entry on the charge of abandonment unless the affidavit of contest contains an allegation to the effect that the absence of entryman was not due to military or naval service, provided the entry was made prior to the termination of the war with Germany (fixed as March 3, 1921, by Public Resolution No. 64--41 Stat., 1359), or was based on an application filed prior to that date, or in which the claimant has filed a showing of settlement prior thereto.

As to entries made, or applications filed, or settlements initiated since March 3, 1921, the act of 1917 has no application, and in such cases it is unnecessary to allege or prove that the absence of entryman was not due to military or naval service.

Where the averment required by the act of 1917 is necessarily made, and the contestee in his answer joins issue on the allegation, it will be necessary for the contestant to submit evidence in support thereof; otherwise, the averment will be treated as established by the affidavits of the witnesses who corroborated the contest affidavit. Likewise, in those cases in which the contestee fails to answer after due service of notice of the contest, the averment of non-military service will be treated as established by the affidavits of the corroborating witnesses.

The provisions of paragraph "(c)" of Circular No. 750 (48 L. D., 78), are modified to agree with the foregoing.

WILLIAM SPRY,
Commissioner.

Approved: July 11, 1924.

E. C. FINNEY,
First Assistant Secretary.

Circular No. 950.

REGULATIONS FOR THE SALE OF THE VILLA SITE LOTS AROUND
FLATHEAD LAKE, IN THE FORMER FLATHEAD INDIAN RESERVATION, MONTANA.

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DEPARTMENT OF THE INTERIOR
General Land Office
Washington

July 16, 1924.

The Commissioner

of the General Land Office.

Sir:

Under the provisions of the act of April 12, 1910 (36 Stat., 296), you are directed to cause the lots subject to disposition surveyed as villa sites around Flathead Lake, in the former Flathead Indian Reservation, Montana, to be offered for sale at public outcry under the supervision of the Superintendent of Opening and Sale of Indian Lands, at not less than the prices indicated on the accompanying schedule, unless reappraised in the manner hereinafter provided. The lots will be offered at the United States Land Office, Kalispell, Montana, beginning 10 o'clock a. m., August 12, 1924, and continuing thereafter from day to day as long as may be necessary, Sundays and holidays excepted, in the manner and under the terms hereinafter prescribed.

Manner.--Bids may be made either in person or by agent, but not by mail nor at any time or place other than the time and place when the lots are offered for sale hereunder, and any person may purchase any number of lots for which he is the highest bidder. Bidders will not be required to show any qualifications as to age, citizenship, or otherwise. If any successful bidder fails to make the payment required on the date of the sale, the lot awarded to him shall be re-offered for sale on the following day.

Terms.--Payments will be required as follows: At least 25 per cent of the bid price of each lot sold must be paid on the date of the sale and the remainder, if the price bid is \$50 or less, within one year from the date of sale; if the price bid be over \$50 and less than \$100, 75 per cent of the cost may be divided into two equal payments, due, respectively, one and two years from the date of the sale; if the price bid be \$100 or more, the 75 per cent remaining unpaid may be divided into three equal payments, due, respectively, one, two, and three years from the date of sale. No entry will be allowed until payment has been made in full for the lot, but in case of partial payment the register will issue a nontransferable memorandum duplicate certificate showing the amount of the bid and the terms of the sale, and reciting the right of the purchaser to make entry upon completing the payments; the receiver in such case will issue a memorandum receipt for the money paid. Nothing herein will prevent the transfer of the interests secured by the purchase and the partial payment of the lot, by deed, but the assignee will acquire no greater right than that of the original

purchaser, and the final entry and patent will issue to the original purchaser when all payments are made. All lots affected by the easement provided for in the act of April 24, 1912 (37 Stat., 527), as shown upon the approved plats of said lots, will be sold subject to said easement.

Forfeiture.--If any person who has made partial payment on the lot purchased by him fails to make any succeeding payment required under these regulations at the date such payment becomes due, the money deposited by such person for such lot will be forfeited and the lot, after forfeiture is declared, will be subject to disposition at the next public sale thereafter as provided herein. Lots remaining unsold at the close of sale, or thereafter declared forfeited for nonpayment of any part of the purchase price under the terms of the sale, will be subject to disposition at future public sales, the dates thereof to be fixed in the manner herein provided.

All persons are warned against forming any combination or agreement which will prevent any lot from selling advantageously, or which will in any way hinder or embarrass the sale, and all persons so offending will be prosecuted under section 59 of the Criminal Code of the United States, which reads as follows:

"Whoever, before or at the time of the public sale of any of the lands of the United States, shall bargain, contract, or agree, or attempt to bargain, contract, or agree with any other person, that the last-named person shall not bid upon or purchase the land so offered for sale, or any parcel thereof; or whoever by intimidation, combination, or unfair management shall hinder or prevent, or attempt to hinder or prevent, any person from bidding upon or purchasing any tract of land so offered for sale, shall be fined not more than one thousand dollars, or imprisoned not more than three years, or both."

The Superintendent of Opening and Sale of Indian Lands, or any assistant so designated, will be and he is hereby authorized, in his discretion, to reappraise any lot, and by such reappraisal may fix a greater or less minimum price for such lot than that indicated in the accompanying schedule. He may reject any and all bids for any lot, and at any time suspend, adjourn, or postpone the sale to such time and place as he may deem proper, and the sale so adjourned may be further adjourned to a fixed date by public announcement of the person conducting the sale.

Very respectfully,

E. C. FINNEY,

First Assistant Secretary.

GOVERNMENT SALE OF VILLA SITE LOTS, FLATHEAD LAKE, MONTANA.

The villa site lots on Flathead Lake, Montana, listed below, will be offered for sale at public auction at 10 a. m. Tuesday, August 12, 1924, at the United States Land Office, Kalispell, Montana. For further information apply to the Register of the United States Land Office, Kalispell, Montana, or the Commissioner of the General Land Office, Washington, D. C.

LOT	BLOCK	PRICE \$	AREA Acres	LOT	BLOCK	PRICE \$	AREA Acres
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ALSON VILLA

1	2	\$200.00	4.78
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ARMO VILLA

7	1	\$650.00	4.56
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BIG ARM VILLA

5	3	\$150.00	2.60
1	4	150.00	4.56
2	4	165.00	3.05
7	4	100.00	4.80
4	5	75.00	4.12
5	5	75.00	4.44
6	5	75.00	2.49
7	5	75.00	3.15
8	5	75.00	2.31
9	5	125.00	5.00
10	5	100.00	4.85
1	7	275.00	3.01
1	9	75.00	4.64
2	9	75.00	4.94
6	9	125.00	4.77
8	9	75.00	4.78

BLUE GRADE VILLA

1	1	\$300.00	2.30
3	1	59.55	3.97
4	1	55.50	3.70
5	1	300.00	2.75
1	2	150.00	3.33
2	2	150.00	3.97
3	2	300.00	3.66
4	2	150.00	2.82
1	3	75.00	4.49
2	3	75.00	5.00
3	3	100.00	5.00

BLUE GRADE VILLA--(Continued).

4	3	\$100.00	5.00
1	4	75.00	5.00
2	4	71.55	4.77
3	4	61.80	4.12
4	4	59.25	3.95
5	4	160.00	4.20
1	5	190.00	4.26
2	5	62.55	4.17
3	5	61.80	4.12
4	5	60.75	4.05
8	5	525.00	3.44
1	6	375.00	4.37
3	7	70.75	2.83
4	7	88.50	3.54
1	8	62.40	4.16
2	8	71.55	4.77
3	8	70.35	4.69
4	8	65.25	4.35
5	8	73.20	4.88

DAYCROM VILLA

1	1	\$300.00	3.71
2	1	150.00	2.53
3	1	225.00	3.13
4	1	150.00	3.99
5	1	150.00	3.47
1	2	100.00	2.75
2	2	80.00	2.82
3	2	80.00	2.87
4	2	80.00	2.97
5	2	100.00	3.07
6	2	100.00	3.10
7	2	100.00	3.24
8	2	100.00	3.49
9	2	100.00	3.93
10	2	100.00	4.08
1	3	100.00	4.00

LOT	BLOCK	PRICE \$	AREA Acres
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DAYCROM VILLA--(Continued).

2	3	\$100.00	3.72
3	3	100.00	3.51
4	3	100.00	3.35
5	3	100.00	3.19
6	3	100.00	3.07
7	3	80.00	2.99
8	3	80.00	2.99
9	3	100.00	3.10
10	3	100.00	3.07
11	3	60.00	4.43
12	3	60.00	4.57
14	3	60.00	4.55
1	4	100.00	2.94
2	4	100.00	2.77
3	4	100.00	2.58
4	4	80.00	2.39
5	4	200.00	2.21
6	4	300.00	3.80
7	4	300.00	3.18
8	4	300.00	2.73
9	4	300.00	2.92
10	4	300.00	2.82
11	4	300.00	2.66
12	4	300.00	2.97

FESTOU VILLA

2	7	\$200.00	4.80
3	7	200.00	4.87
4	7	125.00	4.99
5	7	100.00	2.60
6	7	175.00	2.69
2	8	575.00	4.39
3	8	300.00	4.73
4	8	500.00	4.36
6	9	150.00	3.89

FINLEY POINT VILLA

1	1	\$64.50	4.30
2	1	57.15	3.81
3	1	61.65	4.11
4	1	66.75	4.45
5	1	62.10	4.14
6	1	62.25	4.15
7	1	64.65	4.31
8	1	58.20	3.88
9	1	60.00	4.00

LOT	BLOCK	PRICE \$	AREA Acres
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FINLEY POINT VILLA--(Continued).

10	1	\$66.15	4.41
11	1	67.65	4.51
12	1	56.10	3.74
13	1	150.00	3.01
14	1	69.00	4.60
2	2	120.80	3.02
3	2	145.60	4.16
4	2	116.40	2.91
5	2	84.40	2.11
2	3	86.40	4.32
1	4	69.00	4.60
2	4	62.25	4.15
3	4	55.60	3.70

GROUSE VILLA

1	2	\$300.00	2.74
2	2	200.00	2.70
3	2	200.00	2.89
4	2	200.00	3.39
5	2	150.00	3.70
6	2	150.00	2.75
7	2	150.00	3.71
8	2	150.00	4.13
9	2	200.00	2.98
10	2	200.00	2.74
11	2	200.00	2.94
1	3	250.00	3.78
2	3	150.00	3.50
3	3	200.00	3.76
4	3	150.00	4.47
5	3	150.00	4.09
6	3	125.00	3.40
7	3	125.00	3.31
9	4	100.00	2.48
5	5	100.00	2.09
6	5	150.00	3.30
7	5	100.00	2.63
1	10	75.00	4.82
2	10	50.00	2.86
3	10	75.00	3.14
4	10	75.00	3.29
5	10	75.00	3.96
6	10	75.00	4.31
7	10	75.00	4.39
8	10	75.00	4.47
9	10	75.00	4.55
10	10	75.00	4.63

LOT	BLOCK	PRICE \$	AREA Acres
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GROUSE VILLA--(Continued).

1	11	\$75.00	3.20
2	11	75.00	3.66
3	11	75.00	4.14
4	11	75.00	4.07
5	11	75.00	4.63
7	11	75.00	4.80
8	11	75.00	3.97
9	11	75.00	4.25
10	11	50.00	2.53
1	12	100.00	4.51
2	12	100.00	4.26
3	12	100.00	4.20
4	12	100.00	4.28
5	12	75.00	3.46

ORCHARD VILLA

5	1	\$57.60	3.84
6	1	63.75	4.25
2	2	180.00	4.44
4	2	150.00	4.70
6	2	225.00	4.47
7	2	175.00	4.70
8	2	300.00	4.70
8	3	225.00	4.74
4	4	275.00	4.92

POLLARD VILLA

4	2	\$325.00	4.68
6	4	325.00	4.43

SAFETY BAY VILLA

6	3	\$510.00	2.92
11	3	200.00	4.14
12	3	200.00	3.43
13	3	125.00	3.36
3	4	150.00	2.66
6	4	75.00	3.58
7	4	75.00	3.80
8	4	150.00	4.57
9	4	160.00	3.92
10	4	700.00	4.08
13	4	100.00	2.88
14	4	100.00	4.68
15	4	110.00	4.38
19	4	100.00	3.20
20	4	100.00	2.76
21	4	100.00	3.40

LOT	BLOCK	PRICE \$	AREA Acres
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SAFETY BAY VILLA--(Continued).

22	4	\$100.00	2.87
23	4	100.00	2.95
24	4	150.00	4.13
1	5	150.00	2.24
2	5	100.00	3.40
3	5	75.00	3.80
4	5	75.00	3.32
5	5	185.00	4.43
6	5	150.00	2.67
1	6	350.00	4.44
5	11	100.00	3.73
6	11	75.00	4.26
10	11	75.00	4.43
10	12	100.00	3.99
11	12	150.00	4.33
12	12	150.00	3.56
1	13	150.00	4.13
2	13	100.00	2.99
6	15	475.00	3.60
7	15	375.00	3.82

STATION VILLA

1	1	\$500.00	4.56
2	1	500.00	4.23
3	1	900.00	3.41
1	2	250.00	4.22
2	2	250.00	4.38
3	2	275.00	4.54
4	2	275.00	4.71
5	2	250.00	3.97
6	2	300.00	4.13
7	2	300.00	4.14

WHITE SWAN VILLA

1	2	\$200.00	4.28
8	3	200.00	4.66
1	4	310.00	2.75
2	4	180.00	2.59
4	4	150.00	4.13
8	4	68.25	2.73
10	4	75.75	3.03
15	4	190.00	2.82
3	5	150.00	4.45

WILD HORSE VILLA

7	1	\$170.00	4.24
8	1	150.00	4.37

CRYSTAL LAKE IRRIGATED LANDS COMPANY.

DEPARTMENT OF THE INTERIOR

General Land Office

716317 "F" WKW.

July 7, 1924.

Washington

: Action on Desert-Land
: Applications Suspended
: for One Year.

Register and Receiver,
Blackfoot, Idaho.

Gentlemen:

In the latter part of October, 1923, a number of desert-land applications involving lands in your district, were held for rejection by this office pursuant to conclusions reached in a decision dated September 10, 1923 (716317 "F" WKW), disapproving the irrigation project of the Crystal Lake Irrigated Lands Company as a source of water supply for desert-land entries.

Final action in these cases has been deferred several times at the request of the president of the company, Mr. Ross J. Comstock, and the matter has also been the subject of a personal conference between this office and Mr. W. Lloyd Adams. As a result of these communications Mr. Comstock, on June 20, 1924, transmitted to this office an

"application for the extension of suspension of action on rejection of the applications for desert-land entries under the Crystal Lake Irrigated Lands Company, for one year from this date, pending the arrival of a possible supplemental report on water supply from the Geological Survey."

It seems from the information secured through the conference and correspondence above referred to that the company is contending that there is more water available for appropriation by the Crystal Lake Irrigated Lands Company from Mud Lake than has been found by the representatives of the Government who have heretofore investigated the matter, and that it is expected that this will be shown by a report which is to be made by the Geological Survey at some future time. Mr. Comstock in his letter to this office under date of June 20, 1924, says:

"In the meantime * * * we will continue our work, and are confident that we can make a substantial showing to the effect that there is water in Mud Lake for our project, as our investigation has shown that the Geological Survey charges against the water supply a large acreage prior to our filings, which water rights have lapsed for failure to comply with our State laws."

In accordance with the understanding reached during the conference with Mr. Adams, no further adverse action will be taken for the present as to the list of desert-land applications given below, but the applications will stand suspended for a period of one year from June 20, 1924, unless within that time such a report shall be submitted by the Geological Survey as will enable this office to pass upon the merits of the company's contention with regard to its water supply, or unless the applicants or one or more of them shall present such a detailed and positive showing of facts as may be deemed sufficient to warrant ordering a hearing. Nothing herein contained will prevent any applicant from voluntarily withdrawing his application at any time.

A similar suspension is also granted with respect to the applications for extensions of time for making final proofs filed by the claimants of desert-land entries Nos. 016604 and 031301 (the latter being a partial assignment of the former), which applications for extension of time have been held for rejection. These cases are included in the list given below.

You will notify the applicants in each of the following desert-land cases of the action hereby taken, for which purpose mimeograph copies of this letter will be sent you under separate cover.

<u>Serial No.</u>	<u>Name.</u>	<u>Address.</u>
016504	Marguerite Comstock,	Blackfoot, Idaho.
021512	Gordon W. Rossback,	Roberts, Idaho.
022685	Lorena Flamm,	Rexburg, Idaho.
022689	Alta E. Milton,	Owsley, Idaho.
022690	Jennie M. Comstock,	Rexburg, Idaho.
022691	Mary Soule,	St. Anthony, Idaho.
022692	Mary H. Buckland,	Thornton, Idaho.
022694	Ross J. Comstock, jr.	Rexburg, Idaho.
022695	Arthur D. Milton,	Owsley, Idaho.
022701	John F. Reid,	Thornton, Idaho.
022702	Edward J. Jacobs,	Rexburg, Idaho.
022703	Joseph Walker,	Rexburg, Idaho.
022704	James Reid,	Thornton, Idaho.
022709	Henry J. Flamm,	Rexburg, Idaho.
022710	Thaddeus A. Swarts,	Rexburg, Idaho.
022711	Ross J. Comstock,	Rexburg, Idaho.
022768	Alexander C. Gamble,	Hamer, Idaho.
022850	Emma A. Anderson,	Rexburg, Idaho.
022866	Frances R. Flamm,	Rexburg, Idaho.
023389	Page Siglin,	Rexburg, Idaho.
023590	Inez B. Anderson,	Thornton, Idaho.
023391	Nettie Anderson,	Thornton, Idaho.
023393	Alta C. Hulet,	Thornton, Idaho.
023482	Martha S. Melton,	Idaho Falls, Idaho.
025052	John L. Hutton,	Level, Idaho.
025653	Clifford E. Stone,	Idaho Falls, Idaho.
030359	Cora Holliard Britt,	Blackfoot, Idaho.
030467	Elenor C. Nield,	Rigby, Idaho, R. F. D. No. 3.
030600	Franklin H. Sly,	Pocatello, Idaho.
031301	Fay Abbott,	Rexburg, Idaho.
031961	Lyman D. Morse,	Antelope, Idaho.
031986	Edmond Morse,	Antelope, Idaho.
034194	Clarence L. Hillman,	Rexburg, Idaho.
034195	Willard Tarbet,	Rexburg, Idaho.

Very respectfully,

WILLIAM SPRY,
Commissioner.

BOARD OF LAW REVIEW,
by A. D. HATHAWAY.

OIL AND GAS ACTIVITIES.

During the month of July 562 new cases were received, showing a decrease of nearly 271 cases, while the old cases received for further action fell to 1,716, a decrease of 339 compared with last month. New permits were issued in 260 cases, 175 applications were finally rejected and closed and 42 were rejected and closed as to part; 266 applications rejected subject to appeal, and 11 were rejected in part subject to appeal; 39 assignments were acted upon, and 644 extensions of time disposed of. In 206 cases permits were held for cancellation, an increase of 130 over last month, and 11 permits were canceled. Departmental decisions were rendered in 13 cases affirming this office, 1 modifying and 1 reversing this office; 988 applications were examined and reports thereon called for from the Geological Survey and the Reclamation Service, and 1,481 Survey reports were received; 3,291 letters were written in the section handling applications under sections 13 and 20 of the leasing act.

Under the "relief" sections of the act and other sections providing for the issuance of leases, 4 leases and 3 permits were issued, 7 applications were rejected subject to appeal, 4 assignments were acted upon, 14 extensions of time disposed of, 83 letters written, and 63 applications otherwise disposed of. The total number of old cases received for action were 80.

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MINERAL LEASING RECEIPTS.

Receipts under the mineral-leasing act of February 25, 1920, for the month of June amounted to \$1,066,932.60, all from lands outside of naval reserves.

CONSOLIDATED WORK REPORT OF LOCAL LAND OFFICES FOR
THE MONTH OF JUNE, 1924.

OFFICES.	End Last Month.			Received and Disposed of.			End of This Month.						
	Pending:	Sus-	Pend-	Rec'd	Trans-	Now	Now	Pend-					
	design-	pend-	ing	in	mitted:	pend-	sus-	ing					
	nation.	ed re-	un-	this	to GLO	ing	pend-	unact-					
		jected:	acted	month.	this	design-	ed re-	ed on					
		other-	on by		month.	nation:	jected:	by					
		wise.	R.&R.				other-	R.&R.					
							wise.						
Alabama	:	:	:	:	:	:	:	:					
Montgomery	:	:	13	:	20	:	18	:	15				
Arizona	:	:	:	:	:	:	:	:					
Phoenix	:	142	:	159	:	194	:	190	:	141	:	164	
Arkansas	:	:	:	:	:	:	:	:	:				
Harrison	:	:	17	:	27	:	27	:	:	17			
Little Rock	:	:	230	:	55	:	41	:	:	244			
California	:	:	:	:	:	:	:	:	:				
El Centro	:	10	:	32	:	58	:	51	:	11	:	38	
Eureka	:	44	:	3	:	16	:	12	:	47	:	1	3
Independence	:	42	:	86	:	34	:	31	:	45	:	86	
Los Angeles	:	36	:	138	:	196	:	235	:	39	:	96	
Sacramento	:	62	:	91	:	42	:	45	:	66	:	84	
San Francisco	:	105	:	51	:	74	:	89	:	111	:	30	
Susanville	:	22	:	114	:	28	:	23	:	26	:	15	
Visalia	:	12	:	55	:	329	:	38	:	11	:	347	
Colorado	:	:	:	:	:	:	:	:	:	:	:	:	
Del Norte	:	25	:	6	:	13	:	9	:	26	:	9	
Denver	:	58	:	65	:	78	:	83	:	59	:	59	
Durango	:	23	:	35	:	54	:	70	:	22	:	20	
Glenwood Springs	:	231	:	438	:	424	:	387	:	248	:	458	
Iamar	:	41	:	31	:	15	:	37	:	68	:	42	2
Leadville	:	1	:	33	:	33	:	38	:	1	:	28	
Montrose	:	80	:	154	:	101	:	44	:	146	:	145	
Pueblo	:	187	:	244	:	137	:	171	:	193	:	204	
Sterling	:	14	:	11	:	31	:	27	:	13	:	16	
Florida	:	:	:	:	:	:	:	:	:	:	:	:	
Gainesville	:	:	:	33	:	10	:	62	:	47	:	44	14
Idaho	:	:	:	:	:	:	:	:	:	:	:	:	
Blackfoot	:	34	:	132	:	46	:	91	:	38	:	75	8
Boise	:	70	:	67	:	67	:	44	:	76	:	84	
Coeur d'Alene	:	:	:	32	:	18	:	27	:	:	:	23	
Hailey	:	50	:	93	:	62	:	45	:	59	:	101	
Icwiston	:	10	:	22	:	10	:	11	:	10	:	21	
Kansas	:	:	:	:	:	:	:	:	:	:	:	:	
Topeka	:	30	:	7	:	8	:	7	:	29	:	9	
Louisiana	:	:	:	:	:	:	:	:	:	:	:	:	
Baton Rouge	:	:	:	18	:	20	:	19	:	:	:	19	

Michigan	:	:	:	:	:	:	:	:	:	:	:	
Marquette	:	:	12	:	:	9	:	5	:	:	16	
Minnesota	:	:	:	:	:	:	:	:	:	:	:	
Cass Lake	:	:	2	:	:	28	:	26	:	:	4	
Crookston	:	6	:	:	:	34	:	30	:	:	10	
Duluth	:	:	6	:	:	17	:	17	:	:	6	
Mississippi	:	:	:	:	:	:	:	:	:	:	:	
Jackson	:	:	21	:	:	9	:	20	:	:	10	
Montana	:	:	:	:	:	:	:	:	:	:	:	
Billings	:	13	:	16	:	30	:	28	:	15	:	16
Bozeman	:	47	:	56	:	38	:	30	:	53	:	58
Glasgow	:	101	:	40	:	75	:	57	:	104	:	55
Great Falls	:	23	:	85	:	74	:	58	:	25	:	99
Havre	:	35	:	55	:	48	:	50	:	38	:	50
Helena	:	65	:	163	:	52	:	62	:	68	:	150
Kalispell	:	:	:	7	:	13	:	12	:	:	:	8
Lewistown	:	106	:	29	:	36	:	39	:	103	:	29
Miles City	:	116	:	77	:	152	:	130	:	134	:	81
Missoula	:	5	:	10	:	20	:	21	:	5	:	9
Nebraska	:	:	:	:	:	:	:	:	:	:	:	:
Alliance	:	24	:	8	:	33	:	27	:	26	:	12
Lincoln	:	21	:	5	:	2	:	5	:	20	:	3
Nevada	:	:	:	:	:	:	:	:	:	:	:	:
Carson City	:	19	:	126	:	34	:	28	:	18	:	133
Elko	:	31	:	38	:	30	:	27	:	40	:	32
New Mexico	:	:	:	:	:	:	:	:	:	:	:	:
Clayton	:	70	:	36	:	46	:	27	:	73	:	52
Ft. Sumner	:	24	:	42	:	50	:	56	:	23	:	37
Las Cruces (a)	:	:	:	:	:	:	:	:	:	:	:	:
Roswell	:	56	:	69	:	139	:	151	:	62	:	51
Santa Fe	:	53	:	186	:	246	:	235	:	60	:	190
North Dakota	:	:	:	:	:	:	:	:	:	:	:	:
Bismarck	:	19	:	28	:	25	:	29	:	18	:	25
Dickinson	:	11	:	3	:	7	:	5	:	11	:	5
Oklahoma	:	:	:	:	:	:	:	:	:	:	:	:
Guthrie	:	48	:	7	:	29	:	23	:	48	:	13
Oregon	:	:	:	:	:	:	:	:	:	:	:	:
Burns	:	27	:	15	:	38	:	51	:	10	:	19
La Grande	:	61	:	53	:	36	:	16	:	67	:	67
Lakeview	:	57	:	53	:	39	:	50	:	48	:	51
Portland	:	:	:	9	:	22	:	22	:	:	:	9
Roseburg	:	:	:	45	:	85	:	73	:	:	:	57
The Dalles	:	118	:	33	:	45	:	40	:	125	:	31
Vale	:	21	:	64	:	43	:	41	:	16	:	71
South Dakota	:	:	:	:	:	:	:	:	:	:	:	:
Bellefourche	:	4	:	4	:	29	:	26	:	4	:	7
Pierre	:	58	:	33	:	33	:	22	:	60	:	42
Rapid City	:	19	:	22	:	57	:	53	:	23	:	22
Utah	:	:	:	:	:	:	:	:	:	:	:	:
Salt Lake City	:	326	:	248	:	241	:	280	:	291	:	244
Vernal	:	28	:	25	:	56	:	47	:	26	:	36

Washington	:	:	:	:	:	:	:	:	:
Seattle	:	:	5 :	:	6 :	5 :	:	6 :	:
Spokane	:	16 :	39 :	:	41 :	43 :	17 :	36 :	:
Vancouver (a)	:	:	:	:	:	:	:	:	:
Walla Walla	:	22 :	1 :	:	9 :	9 :	22 :	1 :	:
Waterville	:	23 :	14 :	:	33 :	34 :	24 :	12 :	:
Yakima	:	8 :	2 :	:	10 :	9 :	:	11 :	:
Wisconsin	:	:	:	:	:	:	:	:	:
Wausau	:	:	6 :	:	8 :	13 :	:	1 :	:
Wyoming	:	:	:	:	:	:	:	:	:
Buffalo	:	66 :	38 :	:	144 :	129 :	76 :	43 :	:
Cheyenne	:	70 :	178 :	:	132 :	196 :	47 :	137 :	:
Douglas	:	25 :	97 :	:	168 :	158 :	29 :	101 :	2
Evanston	:	37 :	184 :	:	83 :	99 :	38 :	167 :	:
Lander	:	23 :	40 :	:	64 :	42 :	27 :	58 :	:
Newcastle	:	59 :	72 :	:	125 :	124 :	60 :	72 :	:
Total,	:	3,290 :	4,714 :	25 :	5,100 :	4,768 :	3,413 :	4,919 :	29

Note: (a)--No report received from these offices July 23, 1924.

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Miss Margaret McConvey, a clerk in the General Land Office since March 11, 1902, died in the city of New York July 13, 1924, where she was temporarily making her home with a view to the recovery of her health, which had for some time given her friends serious concern. Deeply interested in her official duties, ready and quick to respond to any call for service, she held the good will and high esteem of her associates.

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PRESIDENTIAL APPOINTMENT.

William H. H. Heckman, now Receiver at Eureka, California, to be Register, effective on consolidation of the offices of Register and Receiver August 17, 1924. Commission dated July 21, 1924.

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TELL THE BULLETIN.

To All Local Offices and Field Service Employees:

If anything occurs, in the public land service, which you think is of administrative value, tell us about it. Address all communications to the Commissioner of the General Land Office, "Land Service Bulletin." All information should be received not later than the 24th of each month for use in the current number.

LAND SERVICE BULLETIN DEPARTMENT OF THE INTERIOR GENERAL LAND OFFICE

By direction of the Secretary of the Interior the matter contained herein is published as administrative information and is required for the proper transaction of public business.

Vol. 8.

September 1, 1924.

No. 7.

GENERAL CORRESPONDENCE.

One of the most important duties incident to the administration of public land affairs is found in the field of general correspondence, and this is equally true in all branches of the service. Answering questions is as much a part of our regular business as the action upon applications or the decision of litigated cases. No part of our work calls for greater care and attention. To ascertain the true nature and scope of an inquiry, and thereafter give an answer thoroughly responsive is often no slight task. Nothing, however, can be more disheartening to the honest seeker for information than to find, when he gets a response, that his letter was carelessly read, and that consequently the answer is of no practical value. It is true that many of the inquiries received are most unskillfully prepared, with but little knowledge of the language and less of the land laws; but it is these letters that should be given the most careful attention, for a correct answer may be of the utmost importance to the recipient. It may easily mean the consummation or loss of his claim.

The perfunctory reply is not much better than the irresponsive answer; it may contain the information wanted, but put in such a mechanical form as to be actually offensive; whereas the same facts stated with some show of personal interest would be gratefully received. Of course it is a somewhat difficult thing to answer substantially the same question, day after day, and year after year, without falling into mechanical forms of expression,

but it requires only a slight turn in a word or phrase to give evidence of an individual interest that will make friends where ever it is apparent.

The way we handle our correspondence goes far in fixing our relations with persons interested in public land questions, either as claimants or otherwise. Prompt and concise information in evident recognition that such an answer is due the writer, can not fail to produce a good impression, whereas a response that shows either indifference or curtness will produce the opposite result. The good will of our correspondents is a very desirable thing; its acquisition, or its loss, may depend upon the use of a considerate or inconsiderate phrase.

"A word fitly spoken is like apples of gold."

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SURVEY NOTES.

Surveyors in the Field.--On August 15, 1924, when the last report was received from the supervisor of surveys there were 87 engineers and surveyors actually at work in the execution of public land surveys in the field. These parties were distributed as follows:

Alaska - 3	Nevada - 5
Arizona - 1	New Mexico - 5
California - 11	Oregon - 6
Colorado - 10	Utah - 8
Idaho - 5	Washington - 4
Montana - 12	Wyoming - 5
Nebraska and	Eastern District - 7
South Dakota - 5	Total - 87.

The regular appropriation for Surveying the Public Lands carries the expense of all of these field parties with the exception of one party engaged in railroad work in California payable from deposits by the Central Pacific Railroad Company, eight parties on Indian Reservations in California, Montana, New Mexico, Washington, and Minnesota, payable from the appropriation for surveying and allotting Indian reservations, and two parties in Utah payable from funds deposited by the State. This is a slight increase over the number of surveyors actively engaged in field work a month ago and probably marks the height of activities for the season.

Esterbrook Townsite Wyoming.--Special instructions were issued and approved during the past month for the survey and subdivision of the townsite of Esterbrook situated in Sec. 9, T. 28 N., R. 71 W., 6th P. M., Wyoming. Two unsuccessful attempts were made by private surveyors to survey this townsite under authority of Secs. 2382 and 2383 R. S., and the Government has now decided to survey and dispose of the lands under Sec. 2384 R. S. Owing to the fact that the settlements and improvements in the townsite have been along the general plan of the two unofficial surveys, the surveying service of the General Land Office proposes to base its official survey, in so far

as is practicable, upon the plan of townsite subdivision now in existence on the ground. By so doing all possible protection will be afforded the present claimants. The townsite lies in a mineral area about 100 miles northwest of Cheyenne and 25 miles south of Douglas.

Injuries to Employees of the Surveying Service.---An unusually large number of employees in the surveying service of the General Land Office met with accidents more or less serious which have been reported to the United States Employees' Compensation Commission for appropriate action during the month of August as follows:

Thomas J. Murray, cornerman for Mark D. King, United States cadastral engineer, was injured June 21, 1924, while working near Douglas, Wyoming.

Richard Graves, field assistant with D. R. Averill, United States surveyor, was injured while on duty May 12, 1924, in connection with the surveys under Group 41, California.

John Russell Beal, field assistant with A. B. Rich, United States cadastral engineer, was injured while on official duties near Redvale, Colorado, on July 2, 1924.

Harold Stevens, axman for Fred L. Cumming, United States cadastral engineer, was injured while on duty July 1, 1924, near Wisdom, Montana.

A. V. Tindley, axman with Robert W. Livingston, United States cadastral engineer, was injured April 25, 1924, near Shreveport, Louisiana.

Homer Pepper, axman with William E. Hiester, United States surveyor, was poisoned while on official duties near Ettersburg, California, on April 2, 1924.

Attention Registers and Receivers; Resurveys.---Inquiries and requests for corrective surveys or resurveys reaching this office from districts in which no United States Surveyor General's office is maintained indicate that the public generally is not aware of the fact that under the provisions of existing law a general official resurvey of any township may be obtained upon compliance with certain reasonable regulations.

In certain districts, and particularly in the States east of the Mississippi River, the local land office is the only available source from which information concerning public land matters can be obtained, and it is therefore important that the Register and Receiver thereof should be in a position to supply necessary instructions and advice in regard to the requirements governing resurvey applications.

The existing resurvey statutes and the regulations thereunder are available for distribution in circular form, and the local officers, particularly in the eastern and southern States, are urged to provide themselves with a supply of Circulars No. 520 and No. 629, which may be obtained from this office on request, in order that they may properly respond to inquiries touching matters of resurvey.

Lands Recently Surveyed in Nevada.--It is the prevailing belief that as the surveys in the far west are reaching into the mountainous and desert regions, the lands characterized as prairie and tillable are practically all taken up and that very little is left to invite prospective homesteaders, yet, in the northern part of Nevada, the description of a township, the survey of which has during the past month been accepted, shows that in this six-mile-square area, there are not only opportunities for development in agriculture but in mineral prospects, which should interest and attract those who are seeking new fields to conquer.

The surveyor of this township furnishes, in his field notes, a general description, extracts from which the following are taken:

"The character of the land in this township varies from nearly level, or about 4,200 feet elevation above the sea, to 8,000 feet in Sections 3 and 9. The soil in the bottom lands along Leonard Creek and its tributaries is generally a fine sandy loam of medium texture all of which is acquired improved and cultivated, producing crops by irrigation.

"The soil of the rolling mountainous land is 4th rate--the whole township is covered with a fair growth of nutritious grasses which affords excellent grazing--there are--small scattering groves of aspen timber along the creeks in Sections 2 and 3, and along the north east slopes. Water resources comprise Snow Creek, a stream of clear water, Sage Hen Creek also a stream of clear water, and Leonard Creek, flowing about 40 inches of water".

Four other streams with living water and four springs are noted.

"Considerable prospecting for gold was in progress at the time of the survey. All indications show that a large body of copper ore underlies the mountainous land especially in Secs. 7, 18, 30, and 31.

"One settler was found in Secs. 11 and 13, and two miners located in Secs. 14 and 15. A large ranch extensively farmed and improved is located in Sec. 36. It is known as 'Leonard Creek Ranch'."

Surely this description, embracing such a variety of inducements for the venturesome home seeker would indicate the worth-whileness of our public land survey system, and its economic value.

BEAR ATTACKS TRANSIT.

Owing to the excellent care accorded them by our engineers in the field, it is seldom that reports of accidents to the solar transits reach this office. The unusual circumstances attending the accident to a transit used by Guy R. Veal, United States Cadastral Engineer, is considered worthy of comment. Mr. Veal's assignment, in the Superior National Forest, Minnesota, is in a virgin country, without settlements, and abounding with wild animal life.

Recently, while the line party was engaged in other duties incident to the resurvey work, the transit was left unguarded for a short time. When the men returned to the instrument they found that it had been the victim of a vicious attack by a bear, which chewed one of the tripod legs, knocked the transit over and caused its head to strike a rock, rendering it unfit for further service.

First aid treatment was rendered by members of the surveying party, after which the instrument was sent to the hospital for repairs.

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FIELD SERVICE NOTES.

Timber Cruiser A. P. Donohue, of the Santa Fe Field Division, has been transferred to the Portland Division.

Irrigation Engineer H. S. Price, of the Santa Fe Field Division, spent his vacation in the East. He was on duty in the General Land Office from August 20 to August 25, after which he left for Santa Fe.

Special Agent C. W. Richie, of the Portland Field Division, was in Washington about a week in connection with work he was doing for the Department of Justice. He left for the west August 25th.

During August several forest fires were reported, one being in Colorado, two in Montana, and three in Wyoming. Owing to the prompt and efficient work of our field men these fires were brought under control before they assumed large proportions. The damage was kept to a minimum, although much valuable timber was threatened.

Mineral Examiner Holley suffered an accident when driving a government car on the road from Butte to Helena, Montana. While rounding a curve the steering gear ceased to operate, and the car plunged down the grade to a bridge, where it turned completely over. After a few moments of unconsciousness, Mr. Holley crawled out from under the wreck and taking stock of his injuries found that he had escaped with bruises and some cuts from broken glass. As the body of the car was completely demolished, he was fortunate to escape serious injury.

Special Agent W. S. Boyer was on August 25th designated Acting Chief of the Portland Field Division vice Harry E. Laughlin who has been transferred to the Internal Revenue Service.

The General Land Office insists that the field force be particularly careful that reports are accurate and fair to all persons to whom they relate. In a recent case, one of the field employees made a rather hasty report, which on later investigation appeared to be groundless. In advising the Chief of Field Division of the closing of the case, the Acting Commissioner said:

"It is suggested that in future cases of this kind a more careful investigation be made in the first instance before report is made impugning the honesty of an individual. If the first investigation in this case had been as thorough as the last one, no report against Mr. _____ need have been made."

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RESUME OF BUSINESS
OF THE UNITED STATES LAND OFFICE AT
SANTA FE, NEW MEXICO
FROM JANUARY 1st TO JUNE 30, 1924.

During the first half of 1924, while there has been a slight falling off in Homestead applications, there has been a large percentage of applications for Permits to prospect for oil and gas as well as for coal. The aggregate amount of business transacted in the office has been most gratifying as the following will demonstrate.

Homestead entries -----	328
Application for Permits oil and gas -----	253
Applications for coal permits ----	28
Indian Allotments -----	8
Total -----	617

Four hundred thirty seven Final Proofs have been acted upon and 364 Patents have been issued within this period amounting in round numbers to 108,995 acres distributed as follows:

Torrance County	31,837	acres
San Miguel "	8,653	"
Guadalupe "	11,669	"
Sandoval "	3,446	"
Rio Arriba "	9,265	"
Catron "	14,293	"
Taos "	7,453	"
San Juan "	1,157	"
Valencia "	3,173	"
Santa Fe "	6,836	"
Bernalillo "	1,426	"
Mora "	2,562	"
Colfax "	989	"
McKinley "	5,436	"
Socorro "	800	"
Total	108,995	

One hundred eight contests were filed during this period, 67 of which were private contests and 41 initiated by the Government. Of this number 47 cases have been disposed of, leaving pending, 24 private and 37 Government cases.

Twenty-two plats of survey have been filed, most of them under "Public Resolution No. 29" awarding preference rights to soldiers, and notice of the filing of several more is now being published. There is a certainty that many hundred small holding claims will be filed in the near future under the act of June 25, 1922 and doubtless many more when the unsurveyed land on which they are located is reached for survey.

There are approximately 360,000 acres of unsurveyed land in this district, exclusive of the unsurveyed land in reserves which may later be restored to the Public Domain.

A careful checking of the records show that about 250 applications for permits to prospect for oil and gas in the Proclamation strip east of the Navajo Reservation have been filed, but during the month of July the Hon. Commissioner of the General Land Office has rejected and closed 219 of these applications, the balance are still pending.

Our records show that on June 30, 1924 there were 3,987,118 acres of unappropriated and unreserved lands in this district within the several counties as follows:

Bernalillo County	41,290	acres
Catron "	406,335	"
Colfax "	975	"
De Baca "	2,280	"
Guadalupe "	51,380	"

Harding County	1,346	acres
Mora "	5,280	"
McKinley "	560,811	"
Rio Arriba "	431,162	"
Sandoval "	409,035	"
San Juan "	980,238	"
San Miguel "	75,240	"
Santa Fe "	26,965	"
Socorro "	108,075	"
Taos "	154,745	"
Torrance "	48,587	"
Valencia "	683,434	"

Total, 3,987,178 acres

Producing oil fields are being developed in different parts of the State which when fully developed will mean a permanent source of revenue to both the State and Nation through the local land offices.

There are in contemplation several filings under the act of August 11, 1916, relative to State Irrigation districts. These, if filed, will cover a large area and such lands and improvements will be subject to the tax laws of this State to a certain extent and will be of a great benefit to the people of several districts.

In comparing the records of this office for the past three years with the records of prior years, it is found that more careful and certainly more prompt attention has been paid by the Hon. Commissioner of the General Land Office to the many intricacies and details of the thousands of entrymen and inquiries regarding entries, contests, complaints and patents, etc. Many patents are now being issued within 30 and 60 days after the issuance of the final certificate, heretofore taking six months to years before patents were received.

It may also be stated that there has existed a spirit of the most hearty and helpful cooperation between the Santa Fe Field Division and this office which has made it possible to secure speedy action upon all cases requiring investigation and reports by the Field Service. In times past this class of cases has often experienced long delays in their final adjudication but they are now being handled with such promptness that entrymen often express surprise at securing final action upon their cases in so short a time. This is the more remarkable when it is considered that the Santa Fe Field Division not only covers the entire State of New Mexico but all of the State of Arizona as well.

A. M. BERGERE,

Register, United States Land Office,

Santa Fe, New Mexico.

RECENT DECISIONS OF THE COURTS
AND THE
DEPARTMENT.

Appellate Court Decisions--Obiter.--Where there are two grounds, on either of which an appellate court may rest its decision, and it adopts both, the ruling on neither is obiter but each is the judgment of the court, of equal validity with the other.

Indian Claim To Land In California--Statutory Bar.--The decision of the court that an Indian's claim to land in Southern California was lost by failure to present claim to the commission created to adjudicate private land claims in such State within two years, under the act of March 3, 1851, relied on in purchase of property for more than twenty-three years, is held a rule of property, which will not be disturbed.

U. S. v. Title Insurance and Trust Co., et al.
44 Supreme Court Reporter 421.

Cancellation Of Homestead Patent--Want Of Residence.--The United States is entitled to a decree for the cancellation of a homestead patent where it is disclosed by the evidence that the entryman did not reside on the land for the required time, and that the land officers were misled and deceived by false proofs.

U. S. v. Searson.
298 Federal Reporter 928.

Appropriation of Water--Prescription.--The right to use water for irrigation, or other lawful purpose, may be lost by one and acquired by another by prescription.

Verwolf v. Low Line Irrigation Co., et al.
(Supreme Court of Montana)
227 Pacific Reporter 68.

Patent--Reservation--Homestead Entry--Oil and Gas Lands--Coal Lands--Alaska.--A patent for public lands in Alaska, entered subject to the provisions and reservations of the act of March 8, 1922, should contain a reservation of only that character of mineral for which the land was reported or believed to be valuable.

Departmental Regulations Amended.--Paragraph 3 of regulations of July 31, 1922, Circular No. 842 (49 L. D., 196), amended.

Fred H. Smith; instructions, May 21, 1924,
by First Assistant Secretary Finney.

Railroad Land--Relinquishment--Settlement--Statutes.--Neither the provisions of the act of July 1, 1898, nor those of the act of February 27, 1917, amendatory thereof, respecting relinquishments by the Northern Pacific Railway Company in favor of settlements upon unsurveyed lands within the limits of its grant, mandatorily require that company to relinquish or re-convey any tract of land within its grant in favor of a settler.

Railroad Grant--Public Lands.--The Northern Pacific Railway Company is the legal successor of the Northern Pacific Railroad Company with respect to the benefits of the grant of public lands made to the latter company.

Court and Departmental Decisions Cited and Applied.--Cases of United States v. Northern Pacific Railway Company (256 U. S., 51), and Gilfeather v. Northern Pacific Railway Company (43 L. D., 433), cited and applied.

Kenneth G. Murray and Northern Pacific Railway Co.;
decided May 17, 1924, by Assistant Secretary Goodwin.
Rehearing denied August 28, 1924.

Oil and Gas Lands--Prospecting Permit--Statutes.--Section 13 of the act of February 25, 1920, is to be construed in connection with sections 14 and 17 of that act, and, when so construed, it is clear that the issuance of permits thereunder is contemplated only to encourage such prospecting as will bring into production a new field or to extend the known limits of a field already producing.

Oil and Gas Lands--Prospecting Permit--Lease.--Lands not covered by permit within the geologic structure of a newly proved oil and gas field, are not subject to prospecting under section 13 of the act of February 25, 1920, but should be offered for lease under section 17 of that act.

Oil and Gas Lands--Prospecting Permit--Lease.--One well drilled in an advantageous position upon a geologic structure covering a large area is usually a sufficient test, if successful, to warrant the definition of the entire structure as producing and subject to lease.

Oil and Gas Lands--Prospecting Permit--Laches--Extensions.--The Department can not sanction the granting of extensions of prospecting permits under the act of January 11, 1922, where permittees have idly awaited development by others with the expectation, upon the proving of the structure, to then secure drilling, and, upon discovery, claim a reward which was primarily intended for those proving the structure.

Oil and Gas Lands--Prospecting Permit--Relinquishment--Restorations.--Where permits are canceled upon relinquishments or because of defaults of permittees, the lands covered thereby will not be restored to further disposal under the leasing act if test wells have been or are about to be drilled upon the geologic structure which includes those lands, pending the completion of the wells.

Instructions of June 3, 1924, by First Assistant
Secretary Finney.

Cultivation--Enlarged Homestead--Statutes.--The provision in the act of June 6, 1912, pertaining to the granting of relief from the area of cultivation required of homesteaders, does not confer the privilege of demanding as a matter of right that the relief be granted or mandatorily require the granting of such applications in any case or class of cases.

Cultivation--Enlarged Homestead--Stock-Raising Homestead.--Where, at the time of entry under the enlarged homestead act, the land was subject to entry under both that act and the stock-raising homestead act, and was suitable only for grazing, the entryman is not entitled to equitable consideration in support of an application for reduction of the required area of cultivation.

Lelia May Spruill; decided June 9, 1924, by
Assistant Secretary Goodwin.

Menominee Indians--Marriage--Descent and Distribution--Statutes.--The act of June 7, 1897, does not entitle the children born of a marriage solemnized between a white man and an Indian woman to enrollment and to share in the distribution of tribal property, unless their mother has been recognized by the tribe as belonging thereto, and, in this respect, the act did not contemplate a forced recognition without the consent of the tribe.

Court and Departmental Decisions Cited and Applied.--Cases of *Oakes v. United States* (172 Fed., 305), and *William Banks* (26, L. D., 71), cited and applied.

Opinion of Solicitor Edwards; June 16, 1924.
Approved, F. M. Goodwin, Assistant Secretary.

Abandoned Military Reservation--Lighthouse Reservation--Jurisdiction.--Where Congress has by separate acts conferred specific jurisdiction upon the Department of the Interior and the Department of Commerce respectively to dispose of public lands within abandoned military and lighthouse reservations, the former department, having assumed jurisdiction with the consent of the latter, may, under its coordinate authority, dispose of lands which were formerly within both a military reservation and a lighthouse reservation.

Opinion of Attorney General Cited and Distinguished.--Opinion of Attorney General (32 Op. Atty. Gen., 486), cited and distinguished.

Instructions of June 21, 1924, by First Assistant
Secretary Finney.

Desert Land--Enlarged Homestead--Act of February 27, 1917.--The act of February 27, 1917, which extended the act of August 30, 1890, by permitting one who has made an enlarged homestead entry for 320 acres, to make a desert-land entry for 160 acres, does not authorize the allowance of any entry under the desert-land law in favor of one who has entered and perfected title to, or is holding an entry, or entries of more than 320 acres of agricultural land.

Prior Departmental Decision Adhered To.--Case of *Marshall F. Hopper* (41 L. D., 283), adhered to.

Fred S. Eidmann; decided June 23, 1924, by
First Assistant Secretary Finney.

Oil and Gas Lands--Prospecting Permit--Lease--Contiguity--Words and Phrases.--The term "shall be in compact form", as used in section 14 of the act of February 25, 1920, in connection with the granting of a five per cent royalty lease thereunder, does not require that the leased lands be contiguous in all cases, but contemplates that a permittee may, where incon-
tiguous tracts have been included in a prospecting permit, select as a reward for discovery, the legal subdivision upon which the discovery well is located, and such remaining land, as near thereto as is possible, up to the prescribed amount, whether contiguous or noncontiguous.

William J. O'Haire; instructions, June 23, 1924,
by First Assistant Secretary Finney.

Repayment--Waiver--Statutes.--The requirement contained in the proviso to section 2 of the act of December 11, 1919, that a claim for repayment must thereafter be presented within two years from the issuance of patent or from the passage of the act, is mandatory and can not be waived because the claimant did not have knowledge of the act for more than two years after its enactment.

Myrtle K. Wells; decided June 25, 1924,
by First Assistant Secretary Finney.

Homestead Entry--Enlarged Homestead--Community Property--Residence--Statutes.--An original homestead entry which has become the community property of the entryman and his wife, although the legal title is in the name of the latter, is still owned by the entryman within the intent of section 7 of the enlarged homestead act.

Benjamin Hennagan; decided June 25, 1924,
by First Assistant Secretary Finney.

Right of Way--Canals and Ditches--Reclamation--Indian Lands--National Monuments--Statutes.--The inhibition in the act of March 3, 1921, against the granting of rights of way over public lands within national parks and national monuments without specific authority of Congress is applicable to the extension of canals for the irrigation of Indian lands, and nothing in the act of August 30, 1890, reserving a right of way for ditches or canals constructed by authority of the United States, or in the appropriation acts providing for the construction of irrigation works for the benefit of the Indians, grants that authority.

Solicitor's Opinion Cited and Applied.--Opinion in Arbuckle Reservoir Company (50 L. D., 388), cited and applied.

Opinion of Solicitor Edwards, June 27, 1924.

Approved:

F. M. Goodwin,

Assistant Secretary.

Mining Claim--Notice--Records--Forfeiture.--Failure to record the location notice of a mining claim does not render the location invalid or work a forfeiture of the claim in the absence of intervening adverse rights under the mining laws, where the local customs or statutes do not so provide.

Mining Claim--Notice--Survey--Evidence.--Where a variance or discrepancy between a mineral location notice or certificate and the stakes and monuments on the ground exists, the latter are more certain evidence of the exact situs of the claim and will prevail.

Mining Claim--Survey--Evidence.--To determine the necessity of a segregation survey, it should be established with certainty by competent testimony that a mining claim includes or invades a subdivision and that the valuable mineral lands are within the boundaries of the claim.

Southern Pacific Railroad Company; decided July 15, 1924,
by First Assistant Secretary Finney.

Repayment--Fees--Abandonment--Mining Claim--Oil and Gas Lands--Lease.--One who, after having filed an application for a mineral patent, quitclaims to the Government his interest in the mining claim and obtains a lease under the act of February 25, 1920, is not entitled to repayment of the filing fee, inasmuch as such transaction amounts to a voluntary abandonment of the original claim, and not to a rejection of the application.

Repayment--Fees--Officers--Mining Claim.--The filing fee paid in connection with an application for a mineral patent is no more a fee for personal services of the local officers than other fees and commissions paid in connection with an entry of public land, and should be repaid in a proper case.

Departmental Decision Cited and Applied.--Case of Sophia Eder (14 L. D., 645), cited and applied.

Empire State Oil Company; decided July 15, 1924,
by First Assistant Secretary Finney.

Oil and Gas Lands--Prospecting Permit--Fees--Adverse Claim.--An application for an oil and gas prospecting permit under the act of February 25, 1920, does not have an exclusive, segregative effect, and failure on the part of the applicant to pay the requisite filing fees until long after the time allowed by the regulations, is, in the absence of a showing of proper cause for the delay, a ground for the rejection of the application where an adverse application has been filed prior to the payment of the full filing fees.

Oil and Gas Lands--Prospecting Permit--Fees--Accounts--Practice.--As neither the leasing act of February 25, 1920, nor the regulations thereunder specify the procedure to be followed where applicants for prospecting permits tender an insufficient filing fee, the general instructions of August 9, 1918, Circular No. 616, relating to the keeping of records and accounts, are applicable.

Departmental Decision Cited and Applied.--Case of Enlow v. Shaw et al. (50 L. D., 339), cited and applied.

J. Sam Friedman; decided July 21, 1924, by
First Assistant Secretary Finney.

Selection--Railroad Land--Mineral Lands--Survey--Evidence.--A selection of unsurveyed land made under the act of August 5, 1892, which authorizes the selection of non-mineral public lands, so classified at the time of actual Government survey but which further expressly recognizes the privilege of selecting unsurveyed lands, non-mineral in fact, is not defeated by the mere observation of the surveyor that mineral indications are found in the township, especially where the selection has stood for a long time and any doubt implied from the surveyor's remarks has since been removed by close examination and the selected tract found to be non-mineral in fact.

Great Northern Railway Company; decided July 21, 1924,
by First Assistant Secretary Finney.

Repayment--Coal Lands--Lease--Fees--Forfeiture--Statutes.--An application for coal lease under section 2 of the act of February 25, 1920, is a filing within the meaning of the repayment statutes, and the coal leasing regulations of April 1, 1920, declaring a forfeiture of the deposit made by a successful bidder in case of his default, did not intend to preclude repayment of such deposit where repayment is warranted under the act of March 26, 1908.

Repayment--Coal Lands--Lease--Statutes.--Where an applicant for a coal lease under section 2 of the act of February 25, 1920, fails to comply with the terms of the bid, and his application is rejected, without fraud or fault on his part, the application becomes one rejected within the contemplation of the repayment act of March 26, 1908.

Departmental Decision Cited and Applied.--Case of John J. Kotkin (49 L.D., 344), cited and applied.

Instructions, July 25, 1924, by
First Assistant Secretary Finney.

Coal Lands--Improvements--Declaratory Statement--Statutes.--Mere prospecting for coal as preliminary to the opening of a mine does not constitute the commencement of improvements as that term is used in section 2349, Revised Statutes, and the period covered by such preliminary prospecting can not be regarded as falling within the 60-day period during which a coal declaratory statement is required to be filed.

Coal Lands--Declaratory Statement--Improvement--Evidence.--Averments in a coal declaratory statement to the effect that the declarant had caused an open cut about 8 feet wide to be driven upon a vein of coal that was already exposed by a creek running through the land "thereby opening and improving a vein of good merchantable coal about 7 feet thick," are too general and indefinite to establish the opening and improving of a mine of coal as of the date of the filing of the declaratory statement within the contemplation of the coal land laws.

Departmental Decisions Cited and Applied.--Cases of McKenna v. Seymour (47 L. D., 395), and J.T. Williams and John Blathran (48 L. D., 176), cited and applied.

James H. Smith and Bernard H. Johnson; decided July 28, 1924, by First Assistant Secretary Finney.

Survey--Settlement--Stock-Raising Homestead--School Land.--An entry under the stock-raising homestead act predicated upon a settlement on land within a school section will be allowed where the settlement was made and the designation of the land under that act became effective prior to the completion of the survey in the field and no protest is entered by the State against the allowance of the entry.

Heirs of M. M. Sandon; decided July 28, 1924, by First Assistant Secretary Finney.

Oil and Gas Lands--Prospecting Permit--Notice--Records--Homestead Entry--Preference Right.--A notice by a party not of record as a bona fide applicant for an oil and gas prospecting permit, reciting a mere intent to make application in the future, is not such a notice as is contemplated by section 12 (a) of the leasing regulations, or which puts the surface entryman under any duty to exercise his preference right.

Oil and Gas Lands--Prospecting Permit--Notice--Preference Right.--The posting of a notice of intention to make application for an oil and gas prospecting permit upon land embraced within a surface entry, as provided in section 13 of the leasing act, merely preserves for a limited period a preference right to a permit as against other applicants under that section, but rights of claimants under other sections of the act are unaffected thereby.

Oil and Gas Lands--Prospecting Permit--Preference Right--Notice--Homestead Entry--Adverse Claim.--A regulation which requires that a surface entryman exercise a preference right to a prospecting permit under section 20 of the leasing act, upon service of notice by one having an adverse application pending, or to show that the adverse claimant is disqualified to hold a permit, is a regulation necessary and proper to achieve the purposes of the act, and is authorized by section 32 thereof.

Shaw v. Rink (On Rehearing); decided August 5, 1924, by First Assistant Secretary Finney.

INSTRUCTIONS AS TO COAL MINED UNDER PENDING APPLICATIONS FOR LEASE OR PERMIT.

DEPARTMENT OF THE INTERIOR

General Land Office

Washington

July 19, 1924.

Chiefs of Field Divisions,

Registers and Receiver.

Gentlemen:

Since the passage of the act of February 25, 1920, providing for the mining of coal on Government lands under lease and prospecting permit, applicants for such leases or permits have, in many instances, begun mining coal immediately after filing their applications. In such cases it has been the practice up to the present time to collect damages on a trespass basis for all coal so mined up to the date of execution of the lease or permit applied for.

In a letter dated May 23, 1924, in response to a request from the Director of the Bureau of Mines for instructions regarding certain phases of the general coal production situation, the Department stated in part as follows:

"All coal mined upon the public domain without any right under the public land laws is mined in trespass and such sums as are received by the Government for coal so mined are covered into the Treasury of the United States as 'miscellaneous receipts'." (See Circular No. 881 for measures of damage in such cases.)

"Reports of production mined in trespass should in all cases be itemized separately from production under permits or leases."

"Where a party has applied to have lands offered for lease at public auction and becomes the successful bidder when such auction is held, any operations commenced before such lease is awarded constitutes a trespass and the funds received in payment for coal removed while such trespass existed, occupy the same status as though the trespasser was not, at the time of payment, a potential lessee."

"If a lessee mines coal before being awarded a lease at public auction, the production is in trespass and is to be separately accounted for as such. In this situation, no rights are initiated by applying to have the lands offered for lease as the applicant must be the highest bidder in order to succeed. Upon award of the lease at the auction the successful bidder in possession is accountable for the coal deposits and rentals as though the lease had issued."

"Where, however, a lessee makes application for a lease and shows that he has in good faith improved, occupied, or claimed coal lands and is found equitably entitled to a lease, coal produced prior to the application for a lease was produced in trespass and will be collected for as such, but if the lessee has at all times been in possession of the land, working the same, all coal produced after application is made for a lease will be considered as mined under the lease and the lessee will be held accountable therefor and for the prescribed rental, from that time under the principles stated in the case of the Big-4 Consolidated Oil Company (49 L. D., 482)."

"Prospecting permits are granted only where such operations are necessary to show the existence and workability of coal deposits. Provision is made in these permits for the payment of a royalty on all coal produced thereunder before lease is applied for. In this case also rentals and royalties under the lease will commence upon the date when lease is applied for."

"Where a permittee has discovered coal and has applied for a lease, such application supersedes the permit and when lease is granted it relates back to the time of application. There can be no interval for the permittee must account for the coal in accordance with the terms of his permit until lease is applied for and thereafter in accordance with the terms of the lease."

In accordance with the above, you will hereafter observe the following rules:

1. Coal mined from the date of filing of an application for prospecting permit to the date of execution of the permit is in trespass and must be settled for on a trespass basis, but at the rate of 25¢ a ton fixed in the permit.

2. Where a permittee has discovered coal and has applied for a lease his rights relate back to the date of filing of the application for lease and the mining of coal thereunder does not constitute a trespass.

3. Where the applicant has no equities, gained prior to the passage of the leasing act, but is awarded a lease as the successful bidder at the auction, coal mined by him from the date of filing of his application to the date of awarding of the lease at the auction must be settled for as a trespass, but at the rate of royalty fixed in the lease.

4. Where an applicant has been awarded a lease on account of equities gained prior to the passage of the leasing act his rights relate back to the date of filing of the application. Coal mined prior to the filing of the application for lease is, however, a trespass and must be settled for on a trespass basis.

Settlements for coal mined in trespass should be made to the Chief of Field Division and transmitted by him with his report in the matter to this office as in other trespass cases. If, for any reason, such settlements are made to the Registers and Receivers, they will promptly forward the same to the proper Chief of Field Division for appropriate action.

Cases now pending in this office will be adjudicated in accordance with the above instructions.

Very respectfully,

WILLIAM SPRY,

Commissioner.

Approved:

E. C. FINNEY,

First Assistant Secretary.

ACCOUNTS:--NEW FORM OF PAY ROLL.

DEPARTMENT OF THE INTERIOR
General Land Office
Washington

July 29, 1924.

Registers and Receivers,
Surveyors General,
Other Certifying Officers and
Special Disbursing Agents.

Sirs:

General Accounting Office General Regulations No. 34, dated May 19, 1924, prescribes a new standard form of pay roll voucher for use of all departments, bureaus, and offices, and in Supplement No. 1 thereto prescribes a "Short Form" thereof referred to as "Standard Form 1013d," with a memorandum copy designated as "Standard Form 1013e," of which forms a supply has been mailed you.

The Comptroller General advises that these standard forms of pay roll are prescribed for general use throughout the Government service "on and after July 1, 1924, in lieu of those issued for like purposes which have heretofore been approved."

He adds the following instructions:

The rate of salary for the period of the pay roll and the gross amount earned are not necessarily the same, and from said rate there should be deducted any amount representing leave without pay or other non-pay status, in order to determine the "Gross Amount Earned."

Where the "Gross Amount Earned" is made up of amounts from two or more appropriations, the items will be stated in a subcolumn in the "Name, Designation, and Annual Salary" column, adjoining the "Gross Amount Earned" column, opposite the name of the employee concerned, each item bearing the proper symbol and being arranged so that the total may be readily computed and carried to "Gross Amount Earned."

Very respectfully,

GEC. R. WICKHAM,

Acting Commissioner.

Approved: July 29, 1924.

E. C. FINNEY,

First Assistant Secretary.

RAILROAD SELECTIONS--INSTRUCTIONS.

DEPARTMENT OF THE INTERIOR
General Land Office
Washington

July 23, 1924.

Registers and Receivers,
United States Land Offices:

Each application to list or select lands in satisfaction of grants made by Congress for railroad, wagon road, or canal purposes must be filed in triplicate and the original must be accompanied, at the time of filing, by an affidavit made by an authorized examiner, agent, or employee of the applicant, showing that the lands sought to be listed or selected are non-mineral in character. Each such affidavit must be based on personal knowledge of the affiant and must give the date or dates that examination of the land was made. The attached form of affidavit, approved by the Commissioner of the General Land Office on June 30, 1911, must be used. The usual fees must accompany the said list or selection.

Upon receipt of such a list or selection you will cause it to be examined and certify the same as to such tracts against which there is no objection.

You will then return the triplicate to the applicant with your notice of rejection or allowance, retain the duplicate for your files, and at the proper time transmit the original to this office in the regular order of business.

If any part of the list or selection is not subject to appropriation by the applicant or if any part of said list or selection is not covered by the proper non-mineral affidavit, you will, as to such tracts, reject the same subject to the usual right of appeal.

If no appeal is taken within the time allowed, your action becomes final and eliminates such rejected tracts from the list or selection. You will specifically describe on the lists or selections the tracts so eliminated. You will apply the proper amount of fees covering the land that is clear and return the balance, if any, without further notice from this office.

If, within the time allowed, an appeal is taken, you will transmit it with the original list or selection to this office in the regular order of business, and certify only the land against which there is no cause for rejection. You will apply the proper amount of fees covering the said land that is clear and hold the balance as unearned until further notified by this office.

Under these instructions the attached form of non-mineral affidavit must be used and must be filed at the same time the selection or list is filed. Also, these instructions revoke the present practice of requiring the applicant to file supplemental lists or selections "A" and "B", respectively, for lands that are clear and those that are not clear.

Circular of July 9, 1894 (19 L. D., 21), is hereby revoked. However, this does not rescind or in any way affect the necessity of publication where the same is now otherwise required.

Very respectfully,

WILLIAM SPRY,

Commissioner.

Approved: July 23, 1924.

E. C. FINNEY,

First Assistant Secretary.

NON-MINERAL AFFIDAVIT FOR LISTING AND SELECTIONS

UNDER RAILROAD GRANTS.

State of _____)
County of _____) ss.

_____, being duly sworn according to law, deposes and says, that he is a citizen of the United States and that his post office address is _____;

that on _____ he personally examined each and every legal subdivision of the lands embraced in the attached list marked exhibit "A" and made a part hereof, situated in _____

Land District, State of _____; that at the time of such examination there was not within the limits of said land any known vein or lode of quartz or other rock in place bearing gold, silver, cinnabar, lead, tin, or copper; that there was not, within the limits of said land, any known placer deposit, oil, or any valuable mineral, other than iron or coal; that said land contained no salt spring or known deposit of salt in any form sufficient to render it chiefly valuable therefor; that no portion of said land was claimed or worked for mining purposes, under the local customs or rules of miners, or otherwise, during any portion of the year; _____

_____ that the said land was essentially non-mineral in character, had upon it no mining improvements _____

_____ and that the selection thereof is not made for the purpose of obtaining title to mineral lands. _____

I hereby certify that the foregoing affidavit was read to the affiant in my presence before he signed his name thereto; that said affiant is to me personally known (or has been satisfactorily identified before me), and I verily believe him to be a credible person and the person he represents himself to be, and that this affidavit was subscribed and sworn to by him

before me on this _____ day of _____ 1924.

REGULATIONS FOR THE DISPOSITION OF LAND ON SAWYER'S KEY, FLORIDA.

DEPARTMENT OF THE INTERIOR
General Land Office
Washington

August 4, 1924.

Register and Receiver,

Gainesville, Florida.

Gentlemen:

The land within the Sawyer's Key Abandoned Military Reservation, Florida, has been appraised as follows:

Township 65 S., Range 27 E., T. M.

Lot 1, Sec. 27 (41.75 acres), \$10.00 per acre.
Lot 2, Sec. 27 (1.05 acres), 1.25 per acre.
Lot 1, Sec. 28 (47.96 acres), 10.00 per acre.

The land will be offered for sale, for cash and at not less than the appraised value thereof, at your office and under your supervision, commencing at 10 o'clock a. m. on December 3, 1924.

Bids may be made in person or by agent, but will not be received through the mail.

Purchasers will not be required to show qualifications as to age or citizenship, or to make any showing as to the amount or character of public lands theretofore acquired by them under any law.

Payment for the land must be made on the day of the sale. You will assign current serial numbers to each separate purchase, and upon payment in full you will issue final cash certificate.

All persons are warned against entering into any agreement, combination, or conspiracy which will prevent any of said land from selling advantageously, and all persons so offending will be prosecuted under section 5 of the United States Criminal Code.

You will give all possible publicity to the sale, without expense to the Government. This office will arrange for the publication of notice of the sale in two newspapers of general circulation in the vicinity of the land.

Very respectfully,

GEO. R. WICKHAM,

Approved: August 4, 1924.

Acting Commissioner.

E. C. FINNEY,
First Assistant Secretary.

ACCOUNTS--TRAVEL STATISTICS.

DEPARTMENT OF THE INTERIOR
General Land Office
Washington

August 7, 1924.

Chiefs of Field Divisions,
U. S. Surveyors General,
Supervisor of Surveys,
Assistant Supervisors, and Others.

Sirs:

The Department having directed that for the months of July, August, and September, 1924, a report of travel expense be compiled as "a basis for discovering methods to avoid unnecessary travel," (including name of employee; number of trips; whether travel was by Government-owned conveyance, common carrier, or on foot; the total expense of each employee; and, where the employee makes only occasional trips, the reason for the trip or trips), it is hereby directed that each chief of field division, each surveyor general (except Alaska), each assistant supervisor (or technical assistant) the travel vouchers of whose district are not paid by a surveyor general, will transmit as soon as possible after the close of each month named (all to be transmitted by October 4), a statement of travel expenses of the employees of his division or district, on the form prepared and mailed for that purpose.

Any disbursing officer who pays travel expenses that would not be furnished under the requirements of the preceding paragraph will furnish like reports of such expenses.

Alaska will report September travel by night letter as soon as possible after October 1.

If a Government vehicle is used the fact and the identity of the car should appear in the "Remarks" column, as FS13, and, if expenses of field assistants are included with the chief of party, the number of such assistants should be indicated. If in any case the expenses of a field assistant are reported in his own name the surname of his chief should appear in parenthesis on the line with or in the space above his own. The following sample will illustrate:

TRAVELING EXPENSES.						
NAME OF TRAVELER.	PAID.	PER DIEM.	SDA.	T. R'S.	TOTAL.	REMARKS.
Richard Roe	:56.16:	24.00	: 40.00 :	10.14	: 130.30:	FS13, RR., and 3 trips.
Adam Smith	:89.95:	:	:	12.16	: 102.11:	RR. hired car, and 5 assistants.
Joe McCrary (Smith)	:13.20:	:	:	:	: 13.20:	RR.
	:	:	:	:	:	:

Such a report would signify, in addition to the amounts itemized, that Roe traveled by the Government car shown and by railroad, making three trips; that Smith traveled with and included the travel expenses of five assistants, partly by rail and partly in a hired car; and that McCrary was a field assistant in Smith's party incurring and paying the expense of a railroad trip.

In the "Paid" column is to be included such travel expense as is paid by the traveler and included in his voucher for the month; the "To S. D. A." column is to include such travel expense as is certified by the traveler for direct payment by the special disbursing agent, as, for example, vouchers for special transportation hired by special agents and others of the Field Service, and, though listed as a memorandum on the traveler's voucher, not paid by him.

The following is quoted from the Government's definitions of objects of expenditure:

Travel expenses.--Under this heading are grouped all expenditures incurred in connection with travel, the purpose of which is the carrying of persons from place to place, whether by land or by water, or to provide subsistence while in a travel status. It includes railroad, steamship, and aerial vehicle fares; sleeping, parlor, and chair car fares; food and lodging; carriage, coach, cab, horse, and automobile hire, and street-car fare enroute; per diem allowance; mileage; tolls; passports; subsistence and care of animals and storage and care of vehicles, when used in a travel status.

Very respectfully,

GEO. R. WICKHAM,

Acting Commissioner.

Circular No. 960.

DEPARTMENT OF THE INTERIOR
General Land Office
Washington

August 19, 1924.

: Assignment of particular
: tract in oil and gas lease
: to be given new serial number.

Registers and Receivers,

United States Land Offices.

Sirs:

Where an assignment is made of a part of the area described in an oil and gas lease, and said assignment is approved by the Secretary of the Interior, the assignee becomes a lessee of the Government as to the tract described and is bound by the terms of the lease the same as though he had obtained the lease to the said land through an application filed in his own name.

For the above reason it has been deemed advisable, in order that the production on the land segregated by the assignment may be properly accounted for, as well as the rental to be paid by the assignee on the particular tract assigned, to consider the assignment, after its approval by the Secretary of the Interior, as the basis of a new case on which a new serial number will be given. In each such case you will be notified by this office when the assignment is approved by the Secretary of the Interior, and directed to assign a current serial number thereto, advising this office of such number by special letter. Reference will be made on your serial register under the original lease number to the number given the assignment as well as a cross reference on the assignment number to the original lease number.

All assignments filed in your office will be transmitted promptly under the serial number of the original lease, and no number will be given to the assignment until such action is directed by this office. Should the assignment cover part of land received by the assignor through a prior assignment in transmitting same to this office you will refer to serial number given by your office to the prior assignment.

Very respectfully,

GEO. R. WICKHAM,

Acting Commissioner.

Approved: August 19, 1924.

E. C. FINNEY,

First Assistant Secretary.

AREA OF VACANT, UNAPPROPRIATED, AND UNRESERVED PUBLIC LANDS.

States.	Area in acres.		
	Surveyed.	Unsurveyed.	Total.
Alabama -----	36,140		36,140
Arizona -----	4,591,100	9,305,760	13,896,860
Arkansas -----	233,599	---	233,599
California -----	15,394,903	4,321,369	19,626,172
Colorado -----	6,446,425	1,150,545	7,596,970
Florida -----	78,606	1,000	79,606
Idaho -----	7,897,659	1,913,372	9,811,031
Kansas -----	2,038	---	2,038
Louisiana -----	8,876	---	8,876
Michigan -----	71,691	---	71,691
Minnesota -----	264,225	---	264,225
Mississippi -----	18,546	---	18,546
Montana -----	5,775,933	1,008,353	6,784,286
Nebraska -----	30,671	---	30,671
Nevada -----	31,708,466	20,573,812	52,282,278
New Mexico -----	14,315,523	2,048,246	16,363,769
North Dakota -----	131,659	---	131,659
Oklahoma -----	34,533	---	34,533
Oregon -----	13,233,611	186,610	13,420,221
South Dakota -----	212,606	29,399	242,005
Utah -----	12,447,778	16,319,909	28,767,687
Washington -----	981,462	227,923	1,209,385
Wisconsin -----	4,652	---	4,652
Wyoming -----	15,265,669	422,164	15,687,833
Total, -----	129,186,371	57,418,362	186,604,733

Circular No. 959, "Vacant Public Lands," can be had on application to the Commissioner of the General Land Office, Washington, D. C., which shows by states, land districts, and counties the area of vacant, unappropriated, and unreserved public lands, surveyed and unsurveyed, with a brief statement of their character.

DEPARTMENT OF THE INTERIOR
General Land Office
Washington

1078291

PUBLIC LANDS RESTORED TO HOMESTEAD ENTRY AND OTHER DISPOSITION
BY PROCLAMATION, EXECUTIVE OR DEPARTMENTAL ORDER.

Preference Rights to Ex-Service Men of the War with Germany.

General Method of Opening:

By virtue of Public Resolution No. 29, of February 14, 1920 (41 Stat., 434), as amended by Public Resolutions Nos. 36 and 79, approved January 21 and December 28, 1922, respectively, hereafter and until February 15, 1930, when any surveyed lands within the provisions of the public resolutions are opened or restored to disposition under the authority of the Department, such lands, unless otherwise provided in the order of restoration, shall become subject to appropriation under the laws applicable thereto in the following manner, and not otherwise:

Lands not affected by the preference rights conferred by the acts of August 18, 1894 (28 Stat., 394), or June 11, 1906 (34 Stat., 233), or February 14, 1920 (41 Stat., 407), will be subject to entry by soldiers under the homestead and desert-land laws, where both of said laws are applicable, or under the homestead law only, as the case may be, for a period of 91 days, beginning with the date of the filing of the township plat in the case of surveys or resurveys, and with the date specified in the order of restoration in all other cases, and thereafter to disposition under all of the public land laws, applicable thereto, except where homestead entrymen are granted a prior preference period under the order. For a period of 20 days and for a like period prior to the date or dates such lands become subject to entry by the general public, soldiers in the first instance, and qualified applicants in the second, may execute and file their applications, and all such applications presented within such 20-day periods, together with those offered at 9 o'clock a. m., standard time, on the dates such lands become subject to appropriation under such applications, shall be treated as filed simultaneously.

Unsurveyed lands are not subject to homestead or desert-land entry. A homestead entry may embrace 160 acres, or an approximation thereof, and where the lands are of the character contemplated by the 320 or 640 acres homestead acts, applications for the unappropriated lands may be filed by qualified persons, under either of said acts; accompanied by proper petitions, if undesignated, for the designation of lands thereunder, and such applications will be suspended pending determination as to the character of such lands.

The following are restorations or openings which will occur in the near future and concerning which further information may be obtained from the local offices:

FROM STOCK DRIVEWAY WITHDRAWAL.

(447)

COLORADO:

Three thousand one hundred thirty-five acres in Moffat and Routt Counties, Glenwood Springs land district all withdrawn for coal classification, open to surface entry only to ex-service men of the war with Germany under the homestead and desert-land laws for a period of 91 days beginning August 28, 1924. Filings may be presented at any time during the 20 days prior to that date. On and after November 27, 1924, any of such land remaining unentered will be subject to appropriation under any applicable public land law by the general public. The land is released from stock-driveway withdrawal, is located in T. 10 N., R. 88 W., and Ts. 11 N., Rs. 88, 89, and 90 W., 6th P. M., and reported to be very rough land chiefly valuable for grazing.

Further information, if desired, may be obtained from the United States local land office at Glenwood Springs.

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FROM RANGER STATION WITHDRAWAL.

(448)

COLORADO:

Forty acres in Larimer County, Denver land district open to entry only to ex-service men of the war with Germany under the homestead or desert-land laws for a period of 91 days beginning August 20, 1924. On and after November 19, 1924, any of such land remaining unentered will be subject to appropriation under any applicable public land law by the general public. The land is released from ranger station withdrawal.

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OPEN TO ENTRY THROUGH SURVEYS AND RESURVEYS.

(449)

The official plats of the survey and resurvey of public lands have been transmitted to Surveyors General with instructions to transmit copies thereof to the United States land offices for official filing as follows:

T. 5 N., R. 1 W., T. 7 N., R. 6 W., T. 13 N., R. 9 W., T. 14 N., R. 10 W., Ts. 3 and 4 N., R. 12 W., Ts. 6 and 7 N., R. 15 W., T. 6 N., R. 16 W., T. 12 S. T. 10 E., T. 4 S., R. 13 E., T. 11 S., R. 13 E., and the following fractional townships, viz; T. 11 S., R. 10 E., T. 16 S., R. 11 E., T. 12 S., R. 12 E., T. 5 N., R. 1 E., and Ts. 3 and 4 N., R. 2 W., G. and S. R. M., Arizona, with letters dated July 29 and August 1, 1924. Portions of the lands in T. 7 N., R. 6 W., T. 13 N., R. 9 W., T. 3 N., R. 12 W., and all the lands in T. 4 N., R. 12 W., and T. 11 S., R. 10 E., were withdrawn upon application of the State under the provisions of the act of August 18,

1894 (28 Stat., 394) for 60 days after the date of filing of the plats during which period the State has a preference right to select lands therein in satisfaction of public land grants, which lands aggregate about 61,000 acres; other public lands aggregating 208,000 acres; United States land office at Phoenix.

Fractional T. 18 S., R. 4 E., S. B. M., California, with letter dated July 30, 1924, approximately 9,500 acres; United States land office at Los Angeles.

T. 12 S., R. 89 W., 6th P. M., Colorado, with letter of July 19, 1924, approximately 9,000 acres. Portions of this township have been withdrawn for forest reservations and stock-driveways and other portions are occupied by settlers. Fractional T. 47 N., R. 3 W., N. M. P. M., Colorado, with letter dated July 29, 1924, about 7,000 acres; United States land offices at Montrose.

Fractional T. 16 S., R. 44 E., B. M., Idaho, with letter dated July 19, 1924, approximately 800 acres; United States land office at Blackfoot.

T. 7 S., R. 57 E., and fractional T. 8 N., R. 11 W., P. M., Montana, with letters dated August 4 and July 25, 1924, respectively, approximately 22,000 acres; United States land offices at Miles City and Helena.

T. 1 S., R. 9 E., N. M. P. M., New Mexico, with letter of July 29, 1924, approximately 17,000 acres; United States land office at Roswell.

Fractional T. 38 S., R. 10 E., S. L. M., Utah, with letter of July 31, 1924, about 14,000 acres. T. 27 S., Rs. 18 and 19 W., fractional T. 27 S., R. 20 W., T. 1t S., Rs. 22, 23, 24, and 25 E., and fractional Ts. 15 $\frac{1}{2}$ S., Rs. 22, 23, and 24 E., were surveyed upon application of the State, act of August 18, 1894, and the lands involved approximating 132,000 acres have been withdrawn for 60 days after the date of filing of the plats during which period the State has a preference right of selection therein; plats transmitted July 3, August 6, and August 12, 1924; United States land office at Salt Lake City.

Fractional T. 36 N., R. 34 E., W. M., Washington, with letter dated August 1, 1924, about 2,600 acres; United States land office at Spokane.

T. 48 N., R. 104 W., 6th P. M., Wyoming, the greater portion of which is within the Yellowstone Forest Reserve, with letter dated July 19, 1924, about 1,600 acres; United States land office at Lander. T. 56 N., R. 70 W., the greater portion of which is occupied by settlers, with letter dated August 6, 1924, about 9,600 acres; United States land office at Newcastle.

The dates of filing will be fixed by the Registers of the several offices and the public lands indicated will be open to entry and, subject to prior valid settlement right and equitable claims, ex-service men of the World War will be entitled to a preference right to enter these lands under

the homestead and desert-land laws for a period of 91 days beginning with the date of filing of the plats under public resolutions Nos. 36 and 79 dated January 21 and December 23, 1922, respectively, except as to the lands in Arizona and Utah heretofore named in which the States have a preference of selection for 60 days; thereafter the preference right of ex-service men will apply to lands not selected by the States. All lands will be open to general disposition on the expiration of the preference periods indicated.

The lands in Ts. 11 and 12 S., R. 10 E., T. 16 S., R. 11 E., and T. 6 N., R. 16 W., Arizona, are reported as gently rolling and level, while in all the other townships the lands vary from rough and mountainous to rolling and level. The mountainous lands are mostly covered with timber, with rocky soil unfit for cultivation. The soil on the rolling and especially the level lands is a sandy clay loam, first, second and third rates, producing native grasses, sage brush and other undergrowth, well adapted for grazing purposes.

T. 18 S., R. 4 E., California, varies from level creek bottom to high, rocky mountains with scrub timber and dense undergrowth, soil sandy loam on the rolling and level lands.

In Colorado the lands are mountainous and rolling mesas; some timber and a fair growth of grass..

T. 16 S., R. 44 E., Idaho, is mountainous, rolling and level, covered with dense undergrowth of sage and willow and a good growth of grass. The soil stony second rate.

T. 7 S., R. 57 E., Montana is rolling and broken with small areas of bad lands; soil mostly gumbo, third and fourth rates. The township is covered with scattering sagebrush and greasewood and a fair growth of grass which affords grazing. Fractional T. 8 N., R. 11 W., rolling foothills watered by Pikes Peak Creek with timber and grass, soil rocky third and fourth rates.

T. 1 S., R. 9 E., New Mexico, is a rolling, prairie country with a good growth of grass. Soil sandy clay loam second rate.

In Utah the lands are reported as mountainous, broken hills, rolling and level. The rough lands have more or less timber with rocky soil. Undergrowth and a fair stand of grass affords grazing on the rolling bench and level lands. Soil sandy clay loam second and third rates.

T. 36 N., R. 34 E., Washington, is mountainous and rolling with pine, fir, and tamarack timber, well watered and suitable for grazing.

In Wyoming the lands are rolling and hilly, soil sandy loam and gumbo, second rate, grass and sage brush afford grazing for stock.

TOWNSITE ACTIVITIES.

Villa Sites--Flathead Lake, Montana.--A public sale of lots in villa sites near Flathead Lake, Montana, was held August 12, at Kalispell. Sixteen lots were sold and the remaining lots were reappraised by the Superintendent of Sale and the sale adjourned to May 12, 1925, to be held at Kalispell, Montana. The amount realized from the sale was \$2,659.40.

Phoenix Park.--The act of June 7, 1924, Public No. 256, grants about 14,000 acres of land in the Salt River Mountains to the City of Phoenix, subject to valid existing rights, as a public park. This land is about 8 miles south of the City of Phoenix and is said to afford exceptionally fine facilities for municipal, park and recreational purposes. Phoenix is situated in the rich and fertile Salt River Valley which valley is said to contain a population of about 100,000. Regulations governing the purchase of the land under the act are being prepared and if the acquisition of the land is consummated, it should prove a wonderful attraction for the residents of Phoenix and vicinity.

Ford, California.--A public sale of unreserved and undisposed of lots at Ford, California, has been set for September 15, 1924, at Ford. Preemption proof has been offered upon a number of lots by settlers and it seems that there will be strong demand for the lots.

West Yellowstone, Montana.--The public sale of lots at West Yellowstone, Montana, was held August 25, 1924 and everything passed off in a satisfactory manner. A representative of the Department conducted the sale. This town is near the west entrance to the Yellowstone National Park and affords a picturesque and attractive location for homes. 137 lots were sold for a total of \$9,691.50. Preemption proof has been submitted upon a number of other lots. Many of the lots have been occupied for years and have valuable improvements on them.

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OIL AND GAS ACTIVITIES.

During the month of August 393 new cases were received and 1,594 old cases came up for further consideration. Permits were granted in 219 cases, 91 applications were finally rejected and closed, and 52 were rejected and closed in part; 229 applications were rejected subject to appeal, and 16 were rejected in part subject to appeal; Departmental decisions were rendered in 16 cases affirming this office and 2 reversing the action of this office. Assignments in 38 cases were acted upon, and 448 extensions of time disposed of. In 97 cases the permits were held for cancellation and 23 permits were canceled, and 4 permits were canceled in part; 33 entries were held for cancellation and 11 were canceled.

Under the "relief" sections of the act and other sections providing for the issuance of leases, one lease was granted, while 2 permits and 4 leases were forwarded to the Department for approval; 14 applications were held for rejection subject to appeal, and one appeal transmitted to the Secretary.

Departmental decision was rendered in one case reversing this office. Assignments in 8 cases were acted upon, and 6 extensions of time disposed of; 2 sales contracts were forwarded to the Department for approval.

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MINERAL LEASING RECEIPTS.

Receipts under the mineral-leasing act of February 25, 1920, for the month of July amounted to \$1,155,121.85, all from lands outside of naval reserves.

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RECEIPTS UNDER MINERAL LEASING ACT FOR THE FISCAL YEAR.

Receipts of the Federal Government from bonuses, royalties, and rentals under the law providing for the leasing of mineral rights on the public domain aggregated \$13,631,840.72 for the fiscal year ending June 30, 1924.

The largest receipts were obtained from leasing mineral lands in Wyoming, the amount being \$12,270,430.75. The second State in the list of receipts was California with \$957,480.64. Receipts from other States follow: Montana, \$225,501.30; Alabama, \$85,460; Utah, \$35,402.58; Colorado, \$33,513.46; North Dakota, \$10,587.14; Washington, \$6,280.09; New Mexico, \$4,784.20; Louisiana, \$2,295.75; South Dakota, \$34.81.

According to the mineral leasing law, each State government receives $37\frac{1}{2}$ per cent of the receipts from bonuses, royalties, and rentals accruing from public lands within its borders, the Reclamation Fund receives $52\frac{1}{2}$ per cent, and the other 10 per cent is placed in the Federal Treasury. In case of back royalties, however, the division among the States, the Reclamation Fund, and the Federal Treasury is in the ration of 20, 70, and 10 per cent, respectively.

CONSOLIDATED WORK REPORT OF LOCAL LAND OFFICES FOR THE MONTH OF

JULY, 1924.

OFFICES.	End Last Month.			Received and Disposed of.		End of This Month.		
	Pend- ing desig- nation.	Sus- pend- ed re- jected: other- wise.	Pend- ing un- acted on by R. & R.	Rec'd in this month.	Trans- mitted to G.L.O. this month.	Now pend- ing desig- na- tion.	Now sus- pend- ed re- jected: other- wise.	Pend- ing unact- ed on by R. & R.
Alabama								
Montgomery		15		11	13		13	
Arizona								
Phoenix	141	164		203	233	121	154	
Arkansas								
Harrison		17		29	27		19	
Little Rock		244		37	38		243	
California								
El Centro	11	38		47	54	9	33	
Eureka	47	1	3	11	10	49	3	
Independence	45	86		44	63	41	71	
Los Angeles	39	96		151	140	43	103	
Sacramento	66	84		44	69	52	73	
San Francisco	111	30		69	106	78	26	
Susanville	26	15		24	22	29	14	
Visalia	11	347		73	91	11	329	
Colorado								
Del Norte	26	9		15	13	29	8	
Denver	59	59		96	81	63	70	
Durango	22	20		48	60	12	18	
Glenwood Springs	248	458		279	393	229	363	
Lamar (a)	--	--	--	--	--	--	--	
Leadville	1	28		47	43	3	30	
Montrose	146	145		73	88	155	121	
Pueblo	193	204		137	169	190	175	
Sterling	13	16		10	9	14	16	
Florida								
Gainesville		44	14	82	78		37	25
Idaho								
Blackfoot	38	75	8	82	68	62	73	
Boise	76	84		78	118	61	59	
Coeur d'Alene		23		19	24		18	
Hailey	59	101		57	74	54	89	
Lewiston	10	21		8	8	8	23	

Kansas	:	:	:	:	:	:	:	:
Topeka	:	29 :	9 :	:	16 :	17 :	22 :	15 :
Louisiana	:	:	:	:	:	:	:	:
Baton Rouge	:	:	19 :	:	20 :	23 :	:	16 :
Michigan	:	:	:	:	:	:	:	:
Marquette	:	:	16 :	:	9 :	13 :	:	12 :
Minnesota	:	:	:	:	:	:	:	:
Cass Lake	:	:	4 :	:	16 :	15 :	:	5 :
Crookston	:	:	10 :	:	34 :	36 :	:	8 :
Duluth	:	:	6 :	:	20 :	20 :	:	6 :
Mississippi	:	:	:	:	:	:	:	:
Jackson	:	:	10 :	:	13 :	12 :	:	11 :
Montana	:	:	:	:	:	:	:	:
Billings	:	15 :	16 :	:	22 :	24 :	12 :	17 :
Bozeman	:	53 :	58 :	:	85 :	51 :	55 :	90 :
Glasgow	:	104 :	55 :	:	62 :	104 :	77 :	40 :
Great Falls	:	25 :	99 :	:	46 :	86 :	25 :	59 :
Harve	:	38 :	50 :	:	54 :	57 :	38 :	47 :
Helena	:	68 :	150 :	:	78 :	116 :	76 :	104 :
Kalispell	:	:	8 :	:	9 :	8 :	:	9 :
Lewistown (a)	:	-- :	-- :	-- :	-- :	-- :	-- :	-- :
Miles City	:	134 :	81 :	:	224 :	220 :	152 :	67 :
Missoula	:	5 :	9 :	:	10 :	13 :	8 :	3 :
Nebraska	:	:	:	:	:	:	:	:
Alliance	:	26 :	12 :	:	18 :	22 :	31 :	3 :
Lincoln	:	20 :	3 :	:	9 :	9 :	21 :	2 :
Nevada	:	:	:	:	:	:	:	:
Carson City	:	18 :	133 :	:	30 :	30 :	21 :	130 :
Elko	:	40 :	32 :	:	34 :	48 :	31 :	27 :
New Mexico	:	:	:	:	:	:	:	:
Clayton	:	73 :	52 :	:	39 :	66 :	55 :	43 :
Fort Sumner	:	23 :	37 :	:	47 :	52 :	28 :	27 :
Las Cruces	:	29 :	77 :	:	75 :	97 :	20 :	64 :
Roswell	:	62 :	51 :	:	152 :	156 :	47 :	62 :
Santa Fe	:	60 :	190 :	:	269 :	258 :	63 :	198 :
North Dakota	:	:	:	:	:	:	:	:
Bismarck	:	18 :	25 :	:	31 :	37 :	17 :	20 :
Dickinson	:	11 :	5 :	:	21 :	23 :	5 :	9 :
Oklahoma	:	:	:	:	:	:	:	:
Guthrie	:	48 :	13 :	:	18 :	23 :	48 :	8 :
Oregon	:	:	:	:	:	:	:	:
Burns	:	10 :	19 :	:	25 :	26 :	14 :	14 :
La Grande	:	67 :	67 :	:	32 :	31 :	67 :	68 :
Lakeview	:	48 :	51 :	:	32 :	46 :	40 :	45 :
Portland	:	:	9 :	:	17 :	20 :	:	6 :
Roseburg	:	:	57 :	:	90 :	107 :	:	40 :
The Dalles	:	125 :	31 :	:	43 :	38 :	124 :	37 :
Vale	:	16 :	71 :	:	27 :	25 :	17 :	72 :
South Dakota	:	:	:	:	:	:	:	:
Bellefourche	:	4 :	7 :	:	60 :	51 :	2 :	18 :
Pierre	:	60 :	42 :	:	32 :	40 :	61 :	33 :
Rapid City	:	23 :	22 :	:	78 :	63 :	27 :	33 :

Utah	:	:	:	:	:	:	:	:	:							
Salt Lake City:	291	:	244	:	207	:	211	:	283	:	248	:				
Vernal	:	26	:	36	:	42	:	50	:	30	:	24	:			
Washington	:	:	:	:	:	:	:	:	:	:	:	:	:			
Seattle	:	:	:	6	:	5	:	4	:	:	:	7	:			
Spokane	:	17	:	36	:	29	:	28	:	19	:	35	:			
Vancouver	:	2	:	3	:	5	:	3	:	2	:	5	:			
Walla Walla	:	22	:	1	:	16	:	12	:	21	:	6	:			
Waterville	:	24	:	12	:	24	:	20	:	25	:	15	:			
Yakima	:	:	:	11	:	11	:	11	:	8	:	3	:			
Wisconsin	:	:	:	:	:	:	:	:	:	:	:	:	:			
Wausau	:	:	:	1	:	7	:	7	:	:	:	1	:			
Wyoming	:	:	:	:	:	:	:	:	:	:	:	:	:			
Buffalo	:	76	:	43	:	93	:	95	:	74	:	43	:			
Cheyenne	:	47	:	137	:	140	:	146	:	61	:	117	:			
Douglas	:	29	:	101	:	206	:	217	:	19	:	99	:	3		
Evanston	:	38	:	167	:	57	:	112	:	19	:	131	:			
Lander	:	27	:	58	:	56	:	78	:	22	:	41	:			
Newcastle	:	60	:	72	:	152	:	171	:	42	:	71	:			
<hr/>																
Total,	:	3,299	:	4,958	:	27	:	4,721	:	5,340	:	3,142	:	4,495	:	28

NOTE:--(a) No report received from these offices August 28, 1924.

DEPARTMENT OF THE INTERIOR

LIST OF NOTARIES PUBLIC

August 27, 1924.

<u>Bureau or Office.</u>	<u>Name.</u>	<u>Location.</u>	<u>Commission Expires.</u>
Office of Secretary ...	W. B. Acker	Rm. 6117 Interior Bldg.	Dec. 16, 1925
	W. H. Reichard	" 6130 " "	Aug. 14, 1926
	Frank Jones	" 1014 " "	Jan. 22, 1926
	Hamlin M. Vandervort	" 5123 " "	Dec. 15, 1927
Bureau of Pensions	Oden B. Gray	" 124 Pension Office	Oct. 4, 1925
	Richard A. Hales	" 203 " "	Jan. 13, 1926
	Geo. S. Livingston	" 221 " "	Apr. 18, 1926
	Jesse W. Proctor	" 230 " "	Dec. 14, 1927
	W. L. Hazard	In Court " "	Apr. 13, 1927
Patent Office	Albert W. Kaiser	Rm. 204 Patent Office	May 12, 1928
	William I. Wyman	" 70 " "	Jan. 6, 1927
	Florence M. Horigan	" 204 " "	Mar. 5, 1928
	Emily Fletcher	" 346 " "	Oct. 7, 1924
General Land Office ...	Herman C. Gauss	" 5334 Interior Bldg.	June 12, 1928
Indian Office	Miss Helen V. Bridge	" 3121 " "	July 15, 1925
	Frank Govern	" 4022 " "	Oct. 4, 1928
	Mrs. L. B. Holderby	" 4016 " "	Oct. 13, 1925
Bureau of Reclamation .	Miss Mae A. Schnurr	" 6342 " "	June 21, 1927
	Chas. N. McCulloch	" 6331 " "	Jan. 24, 1927
Geological Survey	Howard Q. Mann	" 5223 " "	Jan. 27, 1927
Bureau of Mines	W. W. Adams	" 1103 " "	Oct. 18, 1928
	Miss L. Chenoweth	" 1103 " "	Nov. 11, 1925
	J. Burrows, jr.	58 B Street, S. W.	Nov. 25, 1925
Bureau of Education ...	Walter J. Greenleaf	Rm. 6104 Interior Bldg.	Nov. 15, 1924
National Park Service .	Arno B. Cammerer	" 4144 " "	Aug. 30, 1925
St. Elizabeths Hospital	Arnold W. Barbour	Administration Bldg.	
		St. Elizabeths Hosp.	Sept. 18, 1924
	Frank M. Finotti	Administration Bldg.	
		St. Elizabeths Hosp.	Apr. 7, 1925
Freedmen's Hospital ...	Frederick D. Henry	Clerk's Office, Freedmen's Hospital	June 23, 1927

DESIGNATIONS OF ACTING REGISTERS.

Mr Winfield A Gowan and Mrs. Alice E. Harmon designated as Acting Registers at Burns, Oregon, and Eureka, California, respectively, effective not earlier than August 17th, date of consolidation of offices of register and receiver at each place. Letters of designation dated July 17th.

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Among the visitors to the General Land Office during August, 1924, were J. H. Peare, Receiver United States Land Office, La Grande, Oregon, and F. A. Motz, Register United States Land Office, Helena, Montana.

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OBITUARY.

Miss Bessie Cox, whose retirement on February 28th after forty-five years of faithful service was reported in the March Land Service Bulletin died at her home on Woodley Place, Northwest, this city, on August 16th, after an illness of about two weeks.

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TELL THE BULLETIN.

To All Local Offices and Field Service Employees:

If anything occurs, in the public land service, which you think is of administrative value, tell us about it. Address all communications to the Commissioner of the General Land Office, "Land Service Bulletin." All information should be received not later than the 24th of each month for use in the current number.

LAND SERVICE BULLETIN

DEPARTMENT OF THE INTERIOR GENERAL LAND OFFICE

By direction of the Secretary of the Interior the matter contained herein is published as administrative information and is required for the proper transaction of public business.

Vol. 8.

October 1, 1924.

No. 8.

PICTURES OF OUR PUBLIC LANDS.

If often occurs in the transmission of papers from the field, from the surveying or field service, or the district land offices, that the record includes very interesting and informative photographs, illustrative of the matter in hand, but these pictures are usually a part of the record, and as such must be kept in the permanent files, and hence lose their general usefulness in the office. If in cases of this kind, duplicates of such pictures were forwarded to this office, to form a special file, it would shortly result in the collection of graphic data of immense value and interest, not only for the purposes of present use, but for the better understanding by law makers and historical writers of the physical conditions encountered by the pioneers in the public land service, and the settlers that followed close after.

The romance in the acquisition of our public lands, and their distribution, under a system unique in the history of man has not yet been fully written, and it is incumbent upon us, who are writing the later chapters to omit nothing that can lend verity to the record.

It is not intended that any additional expense be incurred in securing pictures for the special file, but rather that advantage should be taken of opportunities incident to the work in the field.

Scattered through the general closed files of this office are many photographs that have been introduced in evidence, in the trial or investigations of cases, or sent up with the field notes of surveys, but which are not now in most cases susceptible of location in the files, and hence are not available in any present study of prior field conditions, or for historical reference. If attention had been directed to the matter in time in most of these cases doubtless we could have easily secured at no expense pictures that now would add much to the value of our records.

It is therefore suggested that when opportunity occurs to thus secure pictures that illustrate field conditions, they should be sent up by special letter, calling attention to the present request and identifying the subject of the picture by date, place, and such other data as may seem pertinent.

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SURVEY NOTES.

Surveyors in the Field.--The index of surveying activities for the month of September is 87 parties engaged in field work at the mid-month report period. This is but a decrease of one since the 15th of last month. The following table shows the distribution of the parties among the several surveying districts, both for this month and for the same time a year ago. It will be observed that the demands for surveys in the several districts has remained substantially the same during the year.

Districts.	Surveyors in field September 15, 1924.	Surveyors in field September 15, 1923.
Alaska	3	3
Arizona	1	3
California	11	8
Colorado	9	7
Idaho	5	5
Montana	12	13
Nebraska and South Dakota	5	4
Nevada	5	4
New Mexico	5	4
Oregon	6	7
Utah	8	11
Washington	4	6
Wyoming	6	5
Eastern District	6	7
Total,	86	87

On September 15, 1923, 6 parties were on Indian work, 5 on work payable from State deposits, and 76 on regular public land surveys, whereas on September 15, 1924, there were 7 parties on Indian work, 2 on State work, 1 on railroad surveys, and 76 on regular public land surveys.

Survey of Unsurveyed Lands Applied for by Potash Claimants.--In order to establish a uniform procedure for the survey of the unsurveyed lands to be included in any potash patent under authority of the act of October 2, 1917 (40 Stat., 297), the following regulations were issued by this office and approved by the First Assistant Secretary of the Interior on September 24, 1924. They supersede the provisions on page 17 of Circular No. 594.

(1) When application for patent is approved, involving unsurveyed public lands, the United States Surveyor General of the State or district in which the lands are situated will be requested to prepare an estimate of the cost of surveying the sections in

which the claim will probably be situated, notify the General Land Office and the applicant thereof, and instruct the latter to make a deposit, conformable to the estimate, with the Surveyor General.

(2) The Surveyor General will receive and receipt for the deposit when made and hold the money as a trust fund. He will thereupon prepare and submit to the General Land Office for approval special instructions providing for the subdivision of the township in its entirety in which the claim is situated, the expense of the field work to be paid from the regular appropriation for Surveying the Public Lands.

(3) When the survey is accepted and the plat filed in the local land office, the claim will be adjusted to the resulting subdivisions as shown upon said plat. The cost of surveying the particular lands included within the claim thus adjusted will be ascertained by pro-rating the total cost of surveying the township to the area thereof. The amount thus ascertained will be deducted from the claimant's deposit and credited to the appropriation for surveying the public lands and the balance of the deposit, if any, returned to the depositor, his assign, or legal representative. An additional deposit will be required when necessary.

By these regulations each claimant will be required to pay for surveying only the lands to be included in his patent, and at the same time the survey of the public lands will be carried forward under the rectangular system, township by township, as contemplated by law.

These regulations are being promulgated as Circular No. 961, copies of which may be had at an early date upon application.

Supervisor of Surveys.--Mr. Frank M. Johnson, Supervisor of Surveys, will be away from his headquarters at Denver, Colorado, for the greater part of the month of October. His present plans contemplate a visit to the north-western and Pacific districts to look after survey matters in Montana, Idaho, Washington, Oregon, and California.

Detail of Surveyors to G. L. O.--On September 27, 1924, Mr. Earl G. Harrington, cadastral engineer, was detailed to temporary duty in the surveying division of the General Land Office. Mr. Harrington is the first engineer to be detailed to the home office this year under authority of the act of June 25, 1924. The detail of other engineers will be made from time to time as the winter approaches.

Mr. J. C. Thoma, cadastral engineer, is also at the General Land Office. He is engaged in the preparation of the returns of the survey of the second unit of the Red River work under direction of the Boundary Commission appointed by the United States Supreme Court. Mr. A. D. Kidder, Associate Supervisor of Surveys, who is one of the boundary commissioners, has interrupted his boundary work to make a visit to the field parties in the eastern surveying district.

Survey of Bat Cave, Arizona.--The Department on September 10, 1924, held for cancellation the selection of the Santa Fe Pacific Railroad Company under primary list 54 to the extent of a certain mineral area of approximately 500 square feet, situated in the S $\frac{1}{2}$ SE $\frac{1}{4}$ Sec. 11, T. 14 N., R. 20 W., G. & S. R. M., Arizona, and directed that said mineral area be segregated by survey from the selection.

The mineral area in question is situated in "Bat Cave" and is described as being about 50 by 100 feet in extent, and the mineralization due to the fact that for years the cave has been the resort or breeding place for millions of bats. The mineral which is in a form of guano is reported to be present in large deposits and the original rock debris in the cave appear to be saturated with the nitrates and phosphates leached from the overlay of guano. The survey procedure will include a retracement of the boundaries of the section, the subdivision of the section to the extent necessary to identify the legal subdivision in which the cave is situated, the exploration of the cave and development of the limits of the guano deposit and rock debris impregnated therewith and the segregation thereof by metes and bounds.

Resurvey of Spanish Grant at Mobile, Alabama.--Instructions have recently been issued for the identification and restoration of the boundaries of a tract of land in the immediate vicinity of the city of Mobile, Alabama, originally granted by the Spanish crown to one Partelemere Laurent on November 17, 1796. This grant was confirmed by the Spanish government on March 4, 1807, and by act of Congress March 3, 1819, to John Forbes & Co., and is now designated under the original public survey of the township as Sec. 1, T. 4 S., R. 1 W., St. Stephens Meridian.

The land affected is in demand by the State Docks Commission of Alabama, and the work now authorized has been undertaken as a measure of cooperation with the War Department which is interested in the activities of the Commission.

The tract in question lies in an area densely covered by private claims which were surveyed during the period from 1835-1845; the rectangular survey of the township which seems to have been superimposed in or about the year last mentioned is apparently of secondary importance and controls only minor areas. The available records are meager and somewhat obscure, general obliteration of the evidences of the governing surveys and more or less confusion in the existing property lines is to be anticipated, and the problem is one which will depend for its solution very largely upon the ability and discretion of the engineer to whom the work is assigned.

Efforts by local engineers and surveyors to identify and fix the lines of the grant have been unsuccessful and have resulted inconsistently, and the case is of interest not only on account of the considerable age of the grant and of the surveys involved and by reason of the difficulties that may be encountered, but also in that it affords an illustration of the class of work for which the services of our engineers are increasingly in demand and of the fact that the General Land Office is recognized as the only agency qualified to accomplish a final and conclusive determination in such cases.

FIELD SERVICE NOTES.

Special Agent H. H. Lepper, of the Helena Field Division, has resigned, effective September 16, 1924, to accept a position as special agent in the Internal Revenue service.

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Mr. W. S. Boyer has been appointed chief of the Portland Field Division, effective September 16, 1924. Mr. Boyer had, since August 26, been Acting Chief of that division, vice Harry E. Laughlin, who had accepted an appointment as a special attorney in the Office of the Solicitor of Internal Revenue.

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A report has been received from Mr. R. W. Dyer, Chief of Field Division, Cheyenne, Wyoming, which illustrates the fine spirit of cooperation existing in that State in the matter of the suppression of forest fires. On being notified that a fire was burning on public lands 60 miles from Rawlins, Wyoming, Mr. Dyer directed Special Agent F. W. Yoder to organize a force to put it out. Mr. Yoder proceeded to Rawlins where he applied to Mr. Frank A. Hadsell, Warden of the State Penitentiary, for information. Mr. Hadsell at once offered assistance which was accepted. Mr. Hadsell then put 12 trustees from the State Penitentiary on an auto truck belonging to the institution, and equipped with tents, blankets, mattresses, camp stoves and kitchen utensils, they proceeded to the fire. The men cut a road through the forest so as to make the camp as near the fire as possible. They, with other men who had been secured, made ditches around the burning forest to keep the fire from creeping along the dry pine needles and deadwood on the ground, and in extinguishing new fires that would sometimes jump a quarter to a half mile ahead of the main fire. They fought the fire for 12 days before it was finally extinguished. One great object of the fight was to keep the fire from sweeping over the top of the mountain to the valuable timber on the north side. On the north side of the mountain is some of the finest timber in the State. This object was accomplished and the timber was saved. The trustees fought the fire faithfully and valiantly. At one time the fire fighters were trapped by a sudden veering of the wind, and escaped death only after a long flight through the thick timber. A substantial sum was saved the Government by Mr. Hadsell's prompt and hearty cooperation, and he deserves much credit therefor.

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From Portland.--On August 27 last the field and office force of the Portland Field Division surprised their retiring Chief, Mr. H. E. Laughlin, in his office while engaged in preparations for departure and through their spokesman, Mr. Walter S. Boyer, the senior agent and acting Chief of Division, presented Mr. Laughlin with a pentagon white gold watch. Mr. Boyer's speech of presentation was an appropriate and well deserved appreciation of Mr. Laughlin's place in the affections of the Portland Field Division, the genuine feelings of regret at the severance of official relations, and confident expectation of success in his new field of public service.

Mr. Laughlin goes to Washington under appointment as special attorney in the office of the Solicitor of the Bureau of Internal Revenue, Treasury Department.

GOOD OLD DAYS IN THE GENERAL LAND OFFICE.

Conditions in the General Land Office ninety-one years ago may be fairly understood from the following extract taken from a letter submitted by the Commissioner of the General Land Office under date of January 7, 1833, to the Chairman of the Committee of Ways and Means of the House of Representatives, in explanation of certain estimates which had been submitted by the Secretary of the Treasury.

"In reference to the submission for extra clerk hire in this office, I have to remark that the labors of this office are continually increasing. The aid which those estimates call for will not keep up current business. There are now 45,000 patents to be issued; before the end of the year, there will be 45,000 more; and there are already six new land offices which the office has no accountant to supervise. The best idea that can be given of the wants of the office, is the undeniable fact that its concerns with each land and surveying district, to wit: Checking the sales of public lands (this is, keeping an account with each purchaser of public lands), auditing the accounts of the receivers of public moneys, writing and recording all the various descriptions of patents for public lands, private claims, and military bounties, issuing military land scrip, preparing connected maps of the public surveys, the immense amount of correspondence with land agents and individuals, demand at least one clerk to supervise the concerns of each land and surveying district, and perform the various duties which are briefly enumerated above. There are, at this time, fifty-five land and surveying districts; whereas there are only 17 regular clerks and 11 extras, in all 28.

"In reference to the nature and amount of the arrears of this office, I would beg leave to refer the committee to my reports accompanying the three last annual reports made by the Secretary of the Treasury to Congress.

"Being now fully of the opinion that the estimates for extra clerk hire are far short of the exigency of the public service, and as there are now six land districts without a clerk to superintend them, and there being five or six more in contemplation this session, I can not fail to urge on the committee the propriety of increasing the appropriation of \$7,000 to \$9,000.

With great respect,

Your obedient servant,

E. HAYWARD."

A WORD OF APPRECIATION.

In a recent letter received at the General Land Office the writer was moved to say:

"I want you to know that the information contained in the Land Service Bulletin is of great assistance to me in carrying on the matters of business I have with the Department, and when in doubt its use as a reference to re-establish in one's mind the construction of a law or ruling is invaluable."

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RECENT DECISIONS OF THE COURTS.

Mineral Lands--Mining Lease.--A mining lease conveys title to no property, but only an incorporeal right to search for and extract mineral from the leased property, which does not include the right to mine by "outstroke," or take out mineral from adjoining property through the tunnels and shafts of the demised premises, unless expressly covenanted for.

Mines and Minerals--Equitable Jurisdiction to Enforce Negative Conditions of Mining Lease.--In a mining lease granted in consideration of royalties there is an implied negative covenant that the property shall be used only for the purposes for which it is demised, which may be enforced by injunction restraining the lessee from using the tunnel and shafts as a way for the removal of ore mined from adjoining property.

Percy LaSalle M. & P. Co. v. Newman Mining,
M. & L. Co., 300 Federal Reporter, 141.

Mining Claim--Oil and Gas Lease.--An oil lease or an oil well is not personal property but real estate. (Supreme Court of Louisiana.)

American National Bank of Shreveport,
v. Reclamation Oil Producing Association
of Louisiana, et al., 101 Southern Reporter, 10.

Void Patent--Collateral Attack.--Patents issued by the United States Government to land owned by a State by virtue of her sovereignty are wholly void and subject to collateral attack.

Navigable Waters--Bed of Lake.--On admission of the State of Louisiana into the Union, all of the bed of a navigable lake below high watermark becomes the property of the State in virtue of her inherent sovereignty.

Public Lands--Jurisdiction of the Courts.--Generally, courts will not assume jurisdiction pending a contest in the Land Department over public lands, but when the disposition of the land has passed from the control of the Land Department, or where the United States never had title, all parties must assert and enforce their rights in the courts, which will adjudicate thereon without reference to the actions of the officers of the Land Department. (Supreme Court of Louisiana.)

State, et al. v. Bozeman, et al., 101
Southern Reporter, 4.

Irrigation Company--Certificate of Stock.--Where the contracts pursuant to which a corporation was organized to own, maintain, and operate an irrigation system, the stock holders of which were the owners of the water rights, and the by-laws of the company expressly authorized assessments on the stock for the expense of maintenance and operation, the words "fully paid and not assessable" appearing in the decorative border of the stock certificates can not be construed to prohibit such maintenance assessments, but must be understood as meaning that the stock is fully paid up and not subject to call assessments for purchase price.

Brown, et al. v. Portneuf-March Valley Irrigation Company, Ltd., et al., 299 Federal Reporter, 338.

Waters and Water Courses--Bonds of Irrigation District.--Under the Idaho irrigation district law the bonds of the district are a general lien upon the lands of the district, and all of said lands are and must remain liable for the district assessments levied for the payment of such obligations until the same are fully paid and discharged.

Irrigation District Bonds.--The bonds or other obligations of an irrigation district may contain a provision that the collection of the principal and interest of such bonds or other obligations shall be made by the county officers of the county in which the lands taxed are situated, and when such condition is endorsed upon the obligation, it is irrevocable until such indebtedness is paid.

Irrigation District--Municipal Corporation.--An irrigation district is a public or quasi public corporation not organized for governmental purposes but to conduct the business for the private benefit of the owners of the land within its limits, and as respects its contracts made in the manner prescribed by law it is a municipal corporation.

Idaho Irrigation Law.--Under the Idaho irrigation district law assessments levied against property of a district are based upon benefits which will accrue from the construction of the system proposed.

Idaho Irrigation Act--Constitutional.--The method by which the Idaho legislature has provided for the organization of an irrigation district and the assessments of lands within such district according to the cost of the system and benefits to the lands is within its constitutional power, and constitutes due process of law and is not the taking of property without just compensation, and, when exercised as required by law, binds all the lands within the district and the owners thereof.

American Falls Reservoir District v. Thrall,
Supreme Court of Idaho, 222 Pacific Reporter, 236.

Water Rights--Appropriation.--Where one who did not own Government land appropriated water for irrigation thereof, the water used was not appurtenant to it, and another who got the land from him by contest did not obtain the water right with it.

Water Rights Appropriation.--Actual diversion and beneficial use existing or in contemplation constitute an appropriation, but this implies rightful diversion by lawful means, even a beneficial use by trespass not constituting an appropriation. (Supreme Court of Montana.)

Warren v. Senecal, 228 Pacific Reporter, 71.

Water Rights--Public Utility.--The delivery of water to one person or corporation, under a contract for compensation, does not constitute a sale of water to the public or some portion thereof within the provisions of the Idaho Act, so as to constitute the vendor, a public utility.

Humbird Lumber Company v. Public Utilities Commission
of the State of Idaho, 228 Pacific Reporter, 271.

Water Rights--Priority of Appropriation.--Under the Oregon law providing for posting of notice of appropriation, date of priority by doctrine of relation is fixed as of date of posting notice, appropriation being finally consummated with reasonable diligence.

Water Rights--Diligence in Application of Water.--Diligence in construction of system of works after notice of appropriation of water does not involve unusual or extraordinary efforts, but that which is usual and ordinary with men engaged in like enterprises who desire to speedily effect their designs is required, question being one of fact to be determined from circumstances.

Water Right Appropriation.--An appropriation may be made by one person for the future use of another, and for future use on lands which appropriator does not then own, or which he does not contemplate owning, and which he never does own.

Appropriation of Water--Common Law.--The principles of common law of England have been adopted only so far as they are applicable to conditions and in consonance with public policy, the Constitution and statutes of State. At common law, riparian owner was entitled to full flow of stream through his land, except as it might be affected by reasonable use made thereof by other riparian owners and no one except a riparian owner could divert any water from stream.

Navigable Waters--Appropriation.--A State may change common law rule as to every stream within its dominion and permit appropriation of flowing water for such purposes as it deems wise, limited, in absence of consent of Congress, so that State can not destroy right of United States to water necessary for beneficial use for Government property, and by superior power of United States to prevent interference with navigable streams.

In re Hood River, 227 Pacific Reporter, 1065.

Irrigation District--Special Assessments.--A statute providing for organization of irrigation districts does not, in authorizing a tax upon property within the district to provide means for irrigation, conflict with Constitution which authorizes municipal corporations to make local improvements, and to levy special assessments and taxes for that purpose, the legislature not

being impliedly forbidden from granting such power to any other body than municipal corporation, since legislatures possess all legislative power not expressly or by necessary implication forbidden by the Constitution.

Irrigation District--Organization.--Although the statutes under which agricultural districts were organized, provided that the territory to be incorporated within the district must have been recognized as within the exterior boundaries of some Federal reclamation project, and susceptible of irrigation by the same general system of irrigation works, such condition was met where, although at one time the lands in the district were not included within the exterior boundaries of a project, but were included in the boundaries as later extended by the Water Users' Association controlling the project and by the Secretary of the Interior.

Bethune v. Salt River Valley Water Users' Association,
227 Pacific Reporter, 989.

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OIL AND GAS ACTIVITIES.

During the month of September the section handling oil and gas cases under sections 13 and 20 of the leasing act, received 358 new cases and 1,321 cases for reconsideration. Permits were granted in 248 cases, 153 applications were finally rejected and 65 were finally rejected in part; 302 applications were rejected subject to appeal, and 25 were rejected in part subject to appeal; 55 assignments were acted upon, and 464 extensions of time were disposed of. In 157 cases permits were held for cancellation and 30 permits were canceled. Departmental decisions were rendered in 5 cases affirming this office, 1 reversing and 4 modifying decisions of this office; 920 applications were examined and reports thereon called for from the Geological Survey and Reclamation Bureau, and 319 Geological Survey reports were received.

Under the "relief" sections of the act and other sections providing for the issuance of leases, 1 permit and 1 lease were issued, and leases recommended in 3 applications; 12 applications were rejected subject to appeal; 1 departmental decision promulgated affirming this office; 5 assignments and 9 extensions of time acted upon. Action on sales contracts, drilling contracts, applications for drilling relief under leases, and the substitution of bonds was taken in 11 cases. The total number of applications received for further consideration was 65.

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MINERAL LEASING RECEIPTS.

Receipts under the mineral-leasing act of February 25, 1920, for the month of August amounted to \$1,039,005.16, all from lands outside of naval reserves.

DEPARTMENT OF THE INTERIOR
General Land Office
Washington

1073291

PUBLIC LANDS RESTORED TO HOMESTEAD ENTRY AND OTHER DISPOSITION
BY PROCLAMATION, EXECUTIVE OR DEPARTMENTAL ORDER.

Preference Rights to Ex-Service Men of the War with Germany.

General Method of Opening:

By virtue of Public Resolution No. 29, of February 14, 1920 (41 Stat., 434), as amended by Public Resolutions Nos. 36 and 79, approved January 21 and December 28, 1922, respectively, hereafter and until February 15, 1930, when any surveyed lands within the provisions of the public resolutions are opened or restored to disposition under the authority of the Department, such lands, unless otherwise provided in the order of restoration, shall become subject to appropriation under the laws applicable thereto in the following manner, and not otherwise:

Lands not affected by the preference rights conferred by the acts of August 18, 1894 (28 Stat., 394), or June 11, 1906 (34 Stat., 233), or February 14, 1920 (41 Stat., 407), will be subject to entry by soldiers under the homestead and desert-land laws, where both of said laws are applicable, or under the homestead law only, as the case may be, for a period of 91 days, beginning with the date of the filing of the township plat in the case of surveys or resurveys, and with the date specified in the order of restoration in all other cases, and thereafter to disposition under all of the public land laws, applicable thereto, except where homestead entrymen are granted a prior preference period under the order. For a period of 20 days and for a like period prior to the date or dates such lands become subject to entry by the general public, soldiers in the first instance, and qualified applicants in the second, may execute and file their applications, and all such applications presented within such 20-day periods, together with those offered at 9 o'clock a. m., standard time, on the dates such lands become subject to appropriation under such applications, shall be treated as filed simultaneously.

Unsurveyed lands are not subject to homestead or desert-land entry. A homestead entry may embrace 160 acres, or an approximation thereof, and where the lands are of the character contemplated by the 320 or 640 acres homestead acts, applications for the unappropriated lands may be filed by qualified persons, under either of said acts; accompanied by proper petitions, if undesignated, for the designation of lands thereunder, and such applications will be suspended pending determination as to the character of such lands.

The following are restorations or openings which will occur in the near future and concerning which further information may be obtained from the local offices:

FROM STOCK-DRIVEWAY WITHDRAWAL

(450)

NEVADA:

Thirteen thousand eight hundred eighty-one acres in Elko and White Pine Counties, Elko land district, open to entry only to ex-service men of the war with Germany under the homestead and desert-land laws for a period of 91 days, beginning September 26, 1924. Filings may be presented at any time during the 20 days prior to that date. On and after December 27, 1924, any such land remaining unentered will be subject to appropriation under any applicable public land law by the general public. The land is released from stock-driveway withdrawal. Further information if desired may be obtained from the United States local land office at Elko, Nevada.

(8079)

(451)

NEVADA:

ARIZONA:

CALIFORNIA:

IDAHO:

MONTANA:

UTAH:

WYOMING:

OPEN TO ENTRY THROUGH SURVEYS AND RESURVEYS.

The official plats of the survey and resurvey of public lands have been transmitted to Surveyors General with instructions to transmit copies thereof to United States land offices for official filing, as follows:

Ts. 33, 34, and 35 N., R. 8 W.; Ts. 32, 33, 34, and 35 N., R. 9 W.; Ts. 32, 33, 34, and 35 N., R. 10 W.; Fractional T. 32 N., R. 8 W.; and Fractional T. 31 N., R. 9 W., G. and S. R. M., Arizona, with letter dated August 25, 1924. Portions of these lands were withdrawn upon application of the State under the provisions of the act of August 18, 1894 (28 Stat., 394), for sixty days after the date of filing of the plats, during which period the State has a preference right to select lands therein in satisfaction of public land grants, which lands aggregate about 140,000 acres; other public lands aggregating 60,000 acres; United States land office at Phoenix.

Ts. 16 S., Rs. 9 and 10 E., S. B. M., California, with letter dated September 9, 1924, approximately 23,000 acres; United States land office at El Centro.

The greater portion of the lands in the eastern half of T. 16 S., R. 10 E., were withdrawn from entry under the act of June 17, 1902, for the Yuma project, and other portions in both townships are covered by patented entries.

Fractional T. 9 S., R. 13 E., and T. 10 S., Rs. 9, 10, and 11 E., B. M., Idaho, with letter dated September 11, 1924, approximately 64,000 acres; United States land offices at Boise and Hailey.

Fractional T. 3 S., R. 8 W., T. 9 S., R. 57 E., Ts. 5½ and 6 S., R. 58 E., P. M., Montana, with letters of August 25 and September 12, 1924, approximately 49,500 acres; United States land offices at Helena and Miles City.

Ts. 25 and 26 S., R. 18 W., T. 26 S., Rs. 19 and 20 W., S. L. M., Utah, were surveyed upon application of the State, act of August 18, 1894, and the lands involved, approximating 68,000 acres, have been withdrawn for sixty days after date of filing of the plats, during which period the State has a preference right of selection therein. Plats transmitted August 27, 1924; United States land office at Salt Lake City.

T. 23 N., R. 70 W., 6th P. M., Wyoming, with letter dated August 27, 1924; United States land office at Cheyenne.

The greater portion of the lands in this township are occupied by settlers, leaving about 2,500 acres vacant public lands.

The dates of filing will be fixed by the registers of the several offices and the public lands indicated will be opened to entry, and subject to prior valid settlement rights and equitable claims, ex-service men of the World War will be entitled to a preference right to enter these lands under the homestead and desert-land laws for a period of 91 days, beginning with the date of filing of the plats under Public Resolutions Nos. 36 and 79, dated January 21 and December 28, 1922, respectively, except as to the lands in Arizona and Utah heretofore named, in which the States have preference right of selection for sixty days; thereafter the preference right of ex-service men will apply to lands not selected by the States. All lands will be opened to general disposition on the expiration of the preference periods indicated.

The lands in Arizona are reported as mountainous and rolling and generally covered with timber. The soil is mostly rocky, second, third, and fourth rates. On the rolling lands a heavy growth of sagebrush and other vegetation afford grazing.

Lands in California are reported as mountainous and rolling, covered with greasewood and sagebrush.

In Idaho the lands appear to be rolling, covered with a fair growth of bunch grass which affords fair grazing for stock. The soil is a sandy loam, first and second rates.

T. 3 S., R. 8 W., Montana, is reported as rough and mountainous, soil rocky, fourth rate. The southern portion heavily timbered, with good grass in other portions. The lands in the eastern part of the State are reported as rolling and broken. The soil is sandy, gumbo, and loam; second and third rates, with a good growth of grass which affords grazing.

In Utah the lands are reported as mountainous, rolling, and level. The soil on the mountainous portions is gravelly and rocky. On the rolling and level lands is a sandy loam, about second and third rates. There is an abundant growth of grass over most of the lands.

In Wyoming the lands are mountainous and rolling, well watered and chiefly valuable for grazing.

(452)

MONTANA:

FROM STOCK DRIVEWAY WITHDRAWAL.

Three hundred and twenty acres in Custer County, Miles City land district, all classified coal land open to surface entry only to ex-service men of the war with Germany under the homestead and desert-land laws for a period of 91 days, beginning October 14, 1924. Filings may be presented at any time during the 20 days prior to that date. On and after January 13, 1925, any of such land remaining unentered will be subject to appropriation under any applicable public land law by the general public. The land is released from stock driveway withdrawal, is about 25 miles south of Terry, Montana, and is reported to be very rough and chiefly valuable for grazing.

Further information, if desired, may be obtained from the United States local land office at Miles City.

FROM RESERVOIR SITE WITHDRAWAL.

(453)

COLORADO:

About 4,400 acres in Custer County, Pueblo land district, in Ts. 21 and 22 S., Rs. 72 and 73 W., of the 6th P. M., are restored from reservoir site withdrawal, and of this area approximately 1,000 acres will be open to homestead and desert-land entry beginning October 8, 1924 to ex-service men of the World War, subject, however, to valid prior settlement and preference rights. Filings may be presented during the 20 days preceding that date, or from September 18, 1924 to October 7, 1924, inclusive. If any lands remain unentered on January 7, 1925, they will then become subject to appropriation under any applicable public land law by the general public. The lands may be reached via the Denver and Rio Grande Railroad and are in the vicinity of the town of Silver Cliff.

Since the lands are restored from withdrawal, no water for irrigation purposes will be available from a Federal irrigation project. Obtainable information shows that the country is mountainous; however these particular lands having once been withdrawn for reservoir purposes may possibly be located in the valleys between the mountains.

(454)

COLORADO:

RESTORATION OF RECONVEYED LAND.

Forty acres in Moffat County, Glenwood Springs land district, open to entry only by an ex-service man of the war with Germany under the applicable homestead or desert-land laws for a period of 91 days, beginning October, 1924. The tract is withdrawn for coal classification and included in a pending application for permit to prospect for oil and gas under the mineral leasing law and is therefore subject to surface agricultural entry only. Applications of ex-service men may be presented at any time within the 20 days prior to the above-mentioned day. On and after January , 1925, the tract if unentered will be subject to appropriation under any applicable public land law by the general public.

The tract is surrounded by entered land and has an elevation of about 7,000 feet. It is grazing land and has been reconveyed to the United States after having been patented under the stock raising homestead law.

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(455)

NEVADA:

FROM RECLAMATION WITHDRAWAL.

About 3,000 acres in Clark County, Carson City land district, in T. 15 S., Rs. 66 and 67 E., of the M. D. M., are restored from reclamation withdrawal, and will be opened to homestead entry and desert-land entry, beginning October 13, 1924, to ex-service men of the World War subject, however, to valid prior settlement and preference rights. Filings may be presented during the 20 days preceding that date, or from September 23, 1924 to October 12, 1924, inclusive. If any lands remain unentered on January 13, 1925, they will then become subject to appropriation under any applicable public land law by the general public.

The lands may be reached via the San Pedro Los Angeles Railroad, and are near the towns of Moapa and Logan. Available information indicates that the lands are hilly. Since the lands are restored from withdrawal, no water for irrigation purposes will be available from a Federal irrigation project.

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(456)

MONTANA:

FROM STOCK DRIVEWAY WITHDRAWAL.

Five hundred and twenty-one acres in Beaverhead County, Helena land district, open to entry only by ex-service men of the war with Germany under the homestead and desert-land laws for a period of 91 days, beginning October 20, 1924. Filings may be presented at any time during the 20 days prior to that date. On and after February 18, 1925, any such land remaining unentered will be subject to appropriation under any applicable public land law by the general public.

The land is released from stock driveway withdrawal. Further information if desired may be obtained from the United States local land office at Helena, Montana.

(457)

IDAHO:

FROM STOCK DRIVEWAY WITHDRAWAL.

One thousand seven hundred and ten acres in Boise County, Boise land district, open to entry only be ex-service men of the war with Germany under the homestead and desert-land laws for a period of 91 days, beginning October 20, 1924. Filings may be presented at any time during the 20 days prior to that date. On and after February 18, 1925, any such land remaining unentered will be subject to appropriation under any applicable public land law by the general public.

The land is released from stock driveway withdrawal. Further information if desired may be obtained from the United States local land office at Boise, Idaho.

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TOWNSITE ACTIVITIES.

On September 15, 1924, a sale of lots at public auction was held in Ford, California. Seven hundred and seventy-five lots were offered, of which 433 were sold for a total of \$42,500. Preemption proof was submitted upon a number of other lots by settlers who were on the ground at the date of survey in the field.

Ford is situated near the thriving town of Taft in the oil region of California and was a part of Naval Petroleum Reserve No. 2. All mineral rights were reserved to the Government under the provisions of the act of July 17, 1914 (38 Stat., 509).

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The town of Tenakee, Alaska, containing 75.69 acres, was approved for patent October 2, 1924, to Geo. A. Parks, as trustee, for the benefit of residents of said town. The survey of the townsite has been approved dividing the town into streets, lots, and blocks. This town is on Chichagof Island, a few miles southwest of Juneau, Alaska.

DEPARTMENT OF THE INTERIOR
General Land Office
Washington

"E" TCH.

September 24, 1924.

Regulations governing survey of unsurveyed lands applied for under the act of October 2, 1917 (40 Stat., 297), authorizing exploration for and disposition of potassium. Amendatory of Circular 594.

Registers and Receivers,
U. S. Surveyors General,
Supervisor of Surveys.

Gentlemen:

In order to establish a uniform procedure for the survey of unsurveyed lands to be included in any potash patent under authority of the act of October 2, 1917 (40 Stat., 297), the following regulations will be observed and all existing regulations in conflict therewith are hereby rescinded and rendered of no effect to the extent to which they conflict:

(1) When application for patent is approved, involving unsurveyed public lands, the United States Surveyor General of the State or district in which the lands are situated will be requested to prepare an estimate of the cost of surveying the sections in which the claim will probably be situated, notify the General Land Office and the applicant thereof, and instruct the latter to make a deposit, conformable to the estimate, with the Surveyor General.

(2) The Surveyor General will receive and receipt for the deposit when made and hold the money as a trust fund. He will thereupon prepare and submit to the General Land Office for approval special instructions providing for the subdivision of the township in its entirety in which the claim is situated, the expense of the field work to be paid from the regular appropriation for Surveying the Public Lands.

(3) When the survey is accepted and the plat filed in the local land office, the claim will be adjusted to the resulting subdivisions as shown upon said plat. The cost of surveying the particular lands included within the claim thus adjusted will be ascertained by prorating the total cost of surveying the township to the area thereof. The amount thus ascertained will be deducted from the claimant's deposit and credited to the appropriation for surveying the public lands and the balance of the deposit, if any, returned to the depositor, his assign, or legal representative. An additional deposit will be required when necessary.

Thus each claimant will be required to pay for surveying only the lands to be included in his patent and at the same time the survey of the public lands will be carried forward under the rectangular system, township by township, as contemplated by law.

Very respectfully,

Approved: September 24, 1924.

E. C. FINNEY,
First Assistant Secretary.

WILLIAM SPRY,
Commissioner.

CONSOLIDATED WORK REPORT OF LOCAL LAND OFFICES FOR THE MONTH OF

AUGUST, 1924.

OFFICES.	End Last Month.			Received and Disposed of.		End of This Month.		
	Pending designation.	Sus-pended re-jected other-wise.	Pending un-acted on by R.&R.	Rec'd in this month.	Trans-mitted to GLO this month.	Now pending designation.	Now sus-pended re-jected other-wise.	Pending unact-ed on by R.&R.
Alabama								
Montgomery		13		25	24		14	
Arizona								
Phoenix	121	154		168	136	128	179	
Arkansas								
Harrison		19		44	38		25	
Little Rock		243		45	44		244	
California								
El Centro	9	33		41	37	4	42	
Eureka	49	3		11	9	51	3	
Independence	41	71		30	46	29	67	
Los Angeles	43	103		140	115	41	130	
Sacramento	52	73		31	25	51	80	
San Francisco	78	26		76	74	77	29	
Susanville	29	14		30	30	18	25	
Visalia	11	329		166	53	10	443	
Colorado								
Del Norte	29	8		13	12	31	7	
Denver	63	70		57	74	69	47	
Durango	12	18		42	42	10	20	
Glenwood Springs	229	364		262	209	228	418	
Lamar (a)								
Leadville	1	30		23	25	3	26	
Montrose	155	121		88	77	135	152	
Pueblo	190	174		173	198	190	149	
Sterling	14	16		14	24	11	9	
Florida								
Gainesville		37	25	65	94		18	15
Idaho								
Blackfoot	62	73		54	80	43	66	
Boise	61	55		45	42	65	54	
Coeur d'Alene		18		14	17		15	
Hailey	54	89		60	50	63	90	
Lewiston	8	23		6	11	10	16	
Kansas								
Topeka	22	15		14	21	24	6	
Louisiana								
Baton Rouge		19		15	13		21	

Michigan						
Marquette		12		10	8	14
Minnesota						
Cass Lake		5		25	19	11
Crookston	8			31	30	9
Duluth		6		28	28	6
Mississippi						
Jackson		11		15	16	10
Montana						
Billings	12	17	20	13	20	16
Bozeman	55	90	195	212	57	71
Glasgow	77	40	49	58	82	26
Great Falls	25	59	46	59	26	45
Havre	38	47	70	56	37	62
Helena	76	103	73	87	126	39
Kalispell		9	14	14		9
Lewistown	101	34	34	40	98	31
Miles City	152	67	178	157	160	80
Missoula	8	3	13	10	4	10
Nebraska						
Alliance	31	3	17	13	31	7
Lincoln	21	2	2	2	22	1
Nevada						
Carson City	21	130	23	31	22	121
Elko	31	27	29	16	34	37
New Mexico						
Clayton	55	43	46	45	14	85
Fort Sumner	28	27	68	64	23	36
Las Cruces	20	64	97	87	20	74
Roswell	47	62	177	141	54	91
Santa Fe	63	198	207	197	68	203
North Dakota						
Bismarck	17	20	25	19	29	14
Dickinson	5	9	8	7	4	11
Oklahoma						
Guthrie	48	8	21	15	50	12
Oregon						
Burns	14	14	29	27	14	16
Ia Grande	67	68	29	40	51	73
Lakeview	40	45	36	29	40	52
Portland		6	21	22		5
Roseburg		40	48	40		48
The Dalles	124	37	32	31	130	32
Vale	17	72	15	18	17	69
South Dakota						
Bellefourche	2	18	45	50	3	12
Pierre	61	33	45	38	61	40
Rapid City	27	33	64	68	26	30
Utah						
Salt Lake City	283	248	156	136	309	242
Vernal	30	24	26	34	32	14

Washington								
Seattle		7		11	9		9	
Spokane	19	35		31	33	19	33	
Vancouver	2	5		8	10	2	3	
Walla Walla	21	6		26	25	22	6	
Waterville	25	15		22	20	26	16	
Yakima	8	3		10	5	10	6	
Wisconsin								
Wausau		1		4	3		2	
Wyoming								
Buffalo	74	43		127	119	79	46	
Cheyenne	61	117		137	123	76	116	
Douglas	19	100	3	185	172	20	115	
Evanston	19	131		51	70	28	103	
Lander	22	41		62	49	23	48	
Newcastle	42	71		153	144	45	77	
Total,	3,249	4,520	28	4,646	4,379	3,310	4,739	15

NOTE:--(a) No report received from this office.

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TELL THE BULLETIN.

To All Local Offices and Field Service Employees:

If anything occurs, in the public land service, which you think is of administrative value, tell us about it. Address all communications to the Commissioner of the General Land Office, "Land Service Bulletin." All information should be received not later than the 24th of each month for use in the current number.

**LAND SERVICE
BULLETIN
DEPARTMENT OF THE INTERIOR
GENERAL LAND OFFICE**

By direction of the Secretary of the Interior the matter contained herein is published as administrative information and is required for the proper transaction of public business.

Vol. 8.

November 1, 1924.

No. 9.

THE SOLEMNITY OF AN OATH.

The frequency of applications for amendments or changes of entry based upon the allegation that the applicant did not fully apprehend the significance of statements made in his application is evidence of the slight importance too often attached to the affidavits that are required in support of the right to enter a specific tract of public land. Too often the applicant apparently treats the affidavit that he makes as the basis of his entry, as a mere matter of form. He signs and swears to statements of fact which he would certainly hesitate to make if sworn as a witness in judicial proceedings involving the actual status of the same tract of land. The solemnity of the oath administered to a witness in open court keeps him mindful of his obligation to "tell the truth and nothing but the truth", whereas the same man will lightly affix his signature to a formal statement, and sign an affidavit in support of its truth, with but little consideration for the pains and penalties incurred by perjury or false swearing. This perfunctory treatment of affidavits attached to official documents is unfortunately not limited to applicants under the public land laws, but is encountered only too often wherever verification of material facts is essential for purposes of record or otherwise. When, however, the truth of statements thus loosely made is called in question, the legal consequences of their falsity can not be escaped by a plea that the affidavit was signed and sworn to without reading, or without knowing what the paper thus verified in fact contained.

It is therefore incumbent upon all officers before whom affidavits may be executed to see that the affiant is fully aware of the consequences of his action; that he has either read the paper, or had it read to him before his signature was affixed; especially is this important where the affiant is illiterate, or not familiar with our language.

The oath should be administered in all cases with due consideration for its legal significance, and in such manner that the affiant is impressed with the solemnity of the oath that he has thus taken. This much we can do, and should do, to prevent the serious results that may follow a perfunctory execution of papers that are an essential prerequisite to the acquisition of title under the public land laws.

SURVEY NOTES.

Surveyors in Field.--On October 15, 1924, the Supervisor of Surveys reported 80 engineers and surveyors actively engaged in field work incident to the survey of the public lands. These parties are distributed as follows:

Alaska	2	Nevada	5
Arizona	4	New Mexico	5
California	10	Oregon	5
Colorado	9	Utah	7
Idaho	4	Washington	4
Montana	7	Wyoming	6
Nebraska and		Eastern Surveying District	7
South Dakota	5		
Total,			80

By reference to the corresponding report for last month which appears on page 330 of the October 1, 1924, Bulletin it will be noted that there has been a slight decrease in the assignment of surveyors in the northern districts and a corresponding increase in the assignments for the southern districts due to the approach of winter.

Standard Field Tables.--The attention of this office has just been called to a typographical error on page 110 of the Standard Field Tables published by this office where the natural cosine of $20^{\circ} 21'$ should read .93759 in place of .93750. The Assistant Supervisors of Surveys and the Surveyors General are requested to see that the error is corrected in the copies of all tables throughout their service. This is the only erratum of record in the half million opportunities for error in the third edition of the publication.

Identification of Old Corners.--It may be of interest to note the useful function obtained by the deposit of charcoal as an accessory for corners of the public land surveys established in the early days in California.

During the summer it became necessary to retrace many miles of official surveys executed in 1856 in the vicinity of Naval Oil Reserves Nos. 1 and 2 near Bakersfield, Kern County, California, so that certain corner positions could be identified, conspicuously flagged and thereby made to register in the aerial photographs taken of the oil fields from hydroplanes of the Navy Department. Wooden posts were generally used for the original corners with pits and mounds of earth over deposits of charcoal as accessories. In nearly every case the post had disappeared and all traces of the pits and mounds obliterated leaving no visible evidence of the corner on the surface of the

ground. But our engineers were generally able to identify the original corner position by the presence of the charcoal. With all of the progress that has been made in the public land surveys it is doubtful whether our modern iron post corner after more than a half century's exposure to the elements will leave a better means of corner identification.

Injuries to Employees of the Surveying Service.--Since reporting injuries to employees of the Surveying Service in the Land Service Bulletin of September 1, 1924, additional cases have been reported to the United States Employees Compensation Commission as follows:

Donald S. Ament, field assistant to Alonzo H. Adams U. S. C. E., July 14, had a nervous breakdown due to excessive heat, requiring special service of nurse, with medical and hospital treatment.

Allen McDaniel, packer for E. C. Guerin, U. S. C. E., Alaska, injured while on duty July 26, 1924, which later developed blood poison.

Hugh B. Crawford, chairman for Johns S. Knowles, U. S. Surveyor, Group No. 83, Colorado, injured August 1, 1924, and required treatment.

Robert Wills, field assistant to Fred Mensch, U. S. C. E., was injured while on duty near Roseburg, Oregon, May 23, 1924.

Theodore M Strohmenger, teamster for Frank D. Maxwell, U. S. C. E., State of Washington, met with, what was considered at the time, a slight accident in getting on the wagon and skinned his leg on the brake iron. Infection soon developed necessitating expensive medical and hospital services and loss of time.

Donald A. O'Rourke, chairman for John S. Knowles, was severely injured September 20, 1924, by fall from cliff, resulting in loss of time and expensive medical treatment.

Analysis of Expenditures of Appropriation, Surveying Public Lands, 1924.--A careful study has recently been made of the expenditures under the appropriation for Surveying the Public Lands for the fiscal year ending June 30, 1924, which appropriation bears the burden of the expense of the major activities of the Field Surveying Service. The results of this study may be of interest and are, therefore, stated briefly as follows:

- (1) For Salaries and Wages of the Field Surveying Service, \$402,278.78.

The maximum number of employees at any one time for the fiscal year ending June 30, 1924, was approximately 700 with an average of 375 for the year. Under normal conditions a surveying crew consists of a chief of party, 2 principal assistants or chairmen, 1 flagman, 1 axeman, 1 cornerman, and 1 cook. Teamsters and packers are added as occasion demands.

(2) Supplies and Materials, \$93,404.85

As the major portion of all surveys of the public lands are in advance of settlement the operation has to be conducted from camps maintained in the vicinity of the work. Subsistence must be furnished to the employees. This expense was \$65,070.76. Forage and other supplies for the Government-owned animals, \$11,166.64.

Fuel for the Government - owned automobiles, \$7,479.71

Stationery and Office Supplies, \$3,525.35.

Sundry Supplies, \$5,285.21.

(3) Subsistence and Support of Persons and Care of Animals, \$41,640.29.

When resurveys are involved or corrective surveys found necessary the work is usually in settled communities where the maintenance of camps is unnecessary. Local subsistence for the employees and animals can usually be secured under such conditions from ranches and farm houses.

(4) Communication Service, \$1,266.56.

This includes Telegraphic Service, Telephone Service, etc.

(5) Travel Expense, \$52,228.29.

No regular program is possible whereby the survey of the public lands can be confined to a single active area because the law and regulations give preference in the matter of survey to townships occupied by settlers or applied for by States, agricultural areas, and lands deemed available for irrigation and dry farming, in the order stated. The surveying activities are therefore widely scattered throughout the public land States in accordance with the demands. Travel expense is therefore one of the major expenses under the appropriation.

Travel expenses for the employees was \$36,142.04, while the transportation of the equipment and supplies amounted to \$16,086.25.

(7) Printing, Lithographing, and Binding, \$1,007.45,

(8) Heat, Light, and Power, \$164.78.

(9) Rents, \$35,615.72.

Not all of the offices of the supervisory corps are in Federal buildings and necessary quarters for these offices must be rented. Storage quarters must also be secured for the trucks, wagons, horses, and equipment when not in use.

(10) Repairs and Alterations, \$9,273.10.

To maintain the surveying equipment, particularly the trucks, wagons, and surveying instruments, at a proper stage of efficiency under the adverse field conditions attending their use requires constant repairs.

Scientific instruments can usually be repaired under competitive bids secured at the close of the surveying season as there is a small reserve of instruments carried to meet emergencies, but the repair of the auto trucks and wagons must be secured when and where necessary.

(11) Special Miscellaneous Current Expenditures, \$651.68.

(12) Equipment, \$55,246.72.

The transportation instrumental and camp equipment included for the fiscal year ending June 30, 1924, approximately 128 animals (horses and mules for wagon and pack train use), 65 wagons, 56 auto trucks, 47 solar compasses, 219 solar transits, and a miscellaneous supply of tapes, clinometers, etc., together with the tents and culinary equipment.

(13) Structures (Iron Posts), \$25,000.

The use of native stones and wooden posts in marking the corners of the public land surveys in the field was abandoned in 1907 and since then iron posts with brass caps have been substituted. These posts have been standardized to three principal sizes, according to the use to which they are put. They are manufactured by the Arsenal Branch of the Ordnance Department at the actual cost of production.

The total expenditures under this appropriation for the fiscal year ending June 30, 1924, was \$717,958.61.

THE EVOLUTION OF THE ASTRONOMICAL TABLES.

Thirty years ago much stress was laid upon the displacement of the magnetic needle and substitution of the solar compass and solar transit for the more precise execution of the public land surveys. The surveyors at that time were compelled to abandon obsolete or inferior methods in order to meet the more exact requirements of the General Land Office. The necessary educational process was carried on largely through the small force of examiners of surveys who were sent out from Washington. The Manual of Surveying Instructions of 1894 carried special 15-day period tables for use in observing the north star, between the years 1894 and 1900, to be used either for direct projection of lines referring to the true meridian, but more generally employed for final test of solar instruments. The tables were based upon astronomical calculations, but the data had to be adapted to the use of surveyors who were often unfamiliar with astronomy. Much credit was given to Major J. B. Shinn, then on the technical staff of the

Surveying Division, for the pioneer work in this field, including the conception and preparation of the first tables, and the accompanying explanatory text. The tables for the years 1901 to 1910 which appeared in the Manual of 1902 were extended by A. D. Kidder, now Associate Supervisor of Surveys. Mr. Kidder was an examiner of surveys in 1901 and had completed his training in civil engineering with post-graduate work in astronomy.

The current Manual carries a chapter of more than 100 pages devoted to the higher branches of instrumental methods. This chapter is a treatise upon observations for time, latitude and azimuth, daylight observations upon Polaris, and direct observations upon the sun without the use of special solar equipment. The methods here shown were largely developed and put into extensive practice by the corps of examiners of surveys, between the years 1900 and 1910, while the present staff of the Supervisor of Surveys was drawn principally from that group of men, by whom instruction in modern methods has been spread to the entire field surveying organization. The advanced methods called for more elaborate tables, which first appeared in 1910 as an annual supplement to the Manual. The first edition of the General Land Office Ephemeris carried complete daily positions of the sun and the north star, Polaris. It was a small edition of 200 copies, which was distributed only through the Surveying Service of the General Land Office. New tables are required for each year as no two dates in history have the same values.

The use of the Ephemeris has spread to other Federal agencies, while from every quarter local engineers find the tables indispensable, if modern methods are employed. The policy of the office has been to adapt the tables for the every-day-use of cadastral engineers, to supply needed data not found elsewhere, and to encourage the general use of modern methods in both Federal and non-Federal surveying practice.

Several valuable additions to the Ephemeris have been supplied in recent years. The Ephemeris for 1925 is now in course of preparation. It is estimated that 2,500 copies will be required. These are made by photolithography from the original tabulations. The cost by this process is much less than that of printing the small early editions. Incidentally it is the twenty-fifth year that Mr. Kidder has engaged upon this work.

CROSS LAKE, LOUISIANA.

A further step in the settlement of a complicated problem was taken on October 4, 1924, when the Department directed that the position of the old bank of Cross Lake be determined in T. 18 N., R. 14 W., La. Mer., Louisiana.

Cross Lake is one of the chain of lakes in northwestern Louisiana formed by the great raft in Red River during the latter part of the eighteenth century. This lake covered portions of Ts. 17 and 18 N., Rs. 14 and 15 W., and was meandered as a permanent body of water when the survey of these townships was executed in 1838. Subsequently, by the removal of the raft in Red River, the lake was drained and in 1871 the subdivisional surveys were

extended across the former bed of Cross Lake in T. 18 N., R. 14 W., apparently without consideration of the State's sovereign right to the beds of navigable bodies of water. Most of the land in the former bed of the lake in this township has been disposed of under that survey.

In 1921 this office undertook an examination of the lands in the Cross Lake area, in the remaining townships invaded by the lake, viz: T. 17 N., R. 14 W., and Ts. 17 and 18 N., R. 15 W. In the course of this examination it was determined that Cross Lake was a navigable body of water in 1812 when Louisiana was admitted into the Union, and that the contour 172 feet above mean Gulf level represented the true mean high water level of the lake at that time and in 1838, when the original surveys in these townships were executed. Based upon the findings of this examination the Department held that title to the lands within the former lake bed, below the 172 foot contour, was vested in the State.

The field work authorized by departmental letter of October 4 is the result of a suit involving the title to certain lands within this township. In this letter it was stated that, having conceded in principle that Cross Lake was navigable in 1812, and having defined the bed thereof in the other townships, it now becomes necessary to fix the 172 foot contour through this township, inasmuch as a portion of the lands in the suit may be found to be within the bed of the lake, title thus having passed to the State under its sovereignty.

This suit is now pending in the Supreme Court of the United States and in view of the extreme urgency of the case, the field parties were on the ground and at work within ten days from receipt of the authorization. It is anticipated that field work will be completed before January 1st.

FIELD SERVICE NOTES.

Timber Cruiser L. L. Segur, of the Denver Division, who was seriously injured in an automobile accident on September 6, while engaged on official business, died in the Fitzsimons General Hospital, Denver, on October 19, 1924. While traveling on a steep mountain road near Hot Sulphur Springs, Colorado, his engine stalled and in an instant the machine backed over the grade, rolling 100 feet to the bottom of the gulch. Mr. Segur was thrown clear of the car, but was seriously injured, the left leg being broken just above the knee, the kneecap badly fractured, the ligaments holding the large thigh muscles in place torn loose, and a deep gash cut in the calf of the leg. It appears the latter injury was the cause of his death, gangrene setting in, which brought about his demise on the date named. Mr. Segur came to the Field Service from the Forest Service last May and was proving himself a competent and pains-taking employee. He leaves an aged mother and a brother residing in New Jersey, and a twelve-year old daughter who lives with his mother.

The accident resulting in the death of Timber Cruiser Segur last September, was doubtless due to imperfect brakes. It behooves agents using Government cars to see to it that brakes are always in the best of condition.

Continuing excellent weather throughout the public land States has proven a boon to the field men, permitting the prosecution of field investigations much longer than in ordinary years.

Chief of Field Service Hair returned from a three months' field trip October 31. During his absence he visited all divisions except the Southern, and met personally nearly all the field men. Pleasant weather prevailed throughout his entire travels, with the exception of two days, when slight rains fell.

Timber Cruiser Brigham, who has been laboring the past season among the lakes, swamps, and timbered areas of northern Minnesota, has had some decidedly interesting as well as dangerous experiences. In a recent letter to the Chief of Field Service Mr. Brigham states he missed by inches being killed by a falling tree while traveling alone in the north woods. Just after he had passed it the tree fell, a branch striking him on the shoulder seriously laming his arm. Fortunately no bones were broken. At another time he was treed by a bear and her cub and thirty hours passed before he was able to return to his camp. It appears it is against the laws of Minnesota and Wisconsin for a man to travel alone in the woods while engaged in timber work. This as a matter of safety. Because of the character of his work, the great distance from settlements, the necessity for packing everything on his back, and to meet the laws' requirements, he was given authority to employ a compassman to travel with him. In closing his letter Mr. Brigham says, "This coming month the woods will be full of deer hunters who are not particular which way they shoot nor what at, and I will be cruising timber at the same time." Under the circumstances, can Brigham be blamed for wanting a helper?

DISPOSITION OF THE PUBLIC DOMAIN.

The United States Government has disposed of 1,048,278,220 acres of its public domain up to the end of the past fiscal year, it was announced at the Interior Department.

This represents more than 60 per cent of the entire land surface of the country exclusive of Alaska and other territorial possessions. The entire area of the United States totals 1,903,289,600 acres and the area of the thirteen original States, including Texas, amounted to 460,917,120 acres leaving 1,442,372,480 acres included in the public land States.

Disposition by the Government of this immense area through the General Land Office of the Interior Department has been made under various acts of Congress. The largest amount was disposed of through homestead entries, commuted entries, and sales to the general public, the figures reaching 523,968,514 acres. The second largest was in railroad and wagon road grants by the Government, 161,539,168 acres being disposed of in this way. The third was by educational and other grants to State Governments, the amount being 137,668,490 acres. Some of the other means by which the Government has distributed its public land included: 64,086,867 acres in military bounties to soldiers and sailors serving in the various wars; 13,730,124 acres under the timber and stone land laws; 9,489,060 acres under desert-land laws; 10,866,888 acres for timber culture; 64,719,004 acres in swamp land grants to States; 34,684,164 acres in confirmed private land grants; 25,785,091 acres in allotments to Indians; 1,137,324 acres under the Carey Reclamation Act; 603,526 acres under the coal land laws.

The total remaining area of the public domain, still unappropriated and unreserved, up to the end of the last fiscal year, amounts to 186,604,733 acres with 30,239,059 in unperfected entries. In addition, the United States still owns 183,513,648 acres that have been withdrawn from the public domain for specific purposes. These include 134,841,236 acres for national forests; 35,000,000 for Indian reservations; 5,480,252 for national parks; 435,374 acres for national monuments; 1,105,564 acres for Carey Act irrigation segregations, and miscellaneous withdrawals amounting to 6,651,222 acres.

TOTAL AREA GRANTED TO STATES FOR EDUCATIONAL AND OTHER PURPOSES.

<u>Purpose of Grant.</u>	<u>Total area granted.</u>
Common Schools -----	98,519,946.00
Agricultural and Mechanical) Land in place ---	3,097,682.00
Colleges, Morrill Act) Scrip -----	7,830,000.00
Other Educational -----	7,716,662.86
Internal Improvements -----	9,500,000.00
Swamp -----	64,719,003.20
Miscellaneous -----	11,004,199.51
	<hr/>
Total,	202,387,493.57

As to grants under the Morrill Act, for agricultural and mechanical colleges, see departmental decision of April 24, 1916 (45 L. D., 548), and Solicitor's Opinion of October 11, 1923 (1093130), according to which the agricultural college grants to Idaho, Wyoming, Utah, and those made by section 16 of the act of February 22, 1889 (25 Stat., 676), to North Dakota, South Dakota, Montana, and Washington, as well as the grants to Oklahoma (in doubt), and to Arizona and New Mexico by the act of 1910 (by inference), aggregating in all 1,320,000 acres, are considered as grants pursuant to the act of 1862. The grant to Nevada, 90,000 acres, though the proceeds diverted to teaching theory and practice of mining, is considered as a grant pursuant to the act of 1862.

The area granted by section 17 of the enabling act, to North Dakota, South Dakota, and Montana, aggregating 130,000 acres, and the grant of 100,000 acres to New Mexico, made by the act of 1898, for agricultural college purposes, are included in the area of "Other Educational Grants" and not under the Morrill Act.

WELFARE SERVICE IN THE DEPARTMENT.

DEPARTMENT OF THE INTERIOR

Washington

October 10, 1924.

NOTICE TO EMPLOYEES.

In the interests of the welfare of employees Secretary Work has broadened the scope of the sanitary and medical service of the Department in the District of Columbia.

A unit has been established which will be known as the Industrial Medical Service; its efforts will be directed toward the betterment of working conditions, visiting the sick, administering first aid in cases of injury or sudden illness, etc.

Dr. C. E. O'Connor will be in charge of the service. He is located in the Emergency Relief Room in the Interior Department Building (Room 1207, Telephone Branch 23.) A matron is in attendance and her services are available in the four rest rooms (Nos. 1044, 1204, 1205, and 4203).

In the Patent Office Building a trained nurse will be in constant attendance in the Relief Room (No. 139-1/2), and the services of two designated physicians are available for first aid treatment on call of the nurse.

In the Pension Office Building a practical nurse is in constant attendance at the Relief Room (No. 107), and two designated physicians for first-aid treatment are available on-call of the nurse.

No injury or sudden illness should be regarded as too trivial for trained attention, and employees are urged to avail themselves of the benefits of the Industrial Medical Service.

JOHN HARVEY,

Chief Clerk.

PATENTS ARRIVE FOR LOT BUYERS.

Successful Bidders at West Yellowstone Auction Given Title.

Patents to 189 parcels of land sold at the public auction of the West Yellowstone townsite arrived at the Bozeman land office during the past week, the first batch of 177 patents reaching the local office just 38 days from issuance of final certificates.

The sale was held August 25 by Judge D. A. Millrick of the general land office and register's final certificates were issued the next day.

This is a record at the Bozeman land office, according to Register George Davenport. It usually takes from four to six months for patent to issue after the issuance of final certificate, he says.--Bozeman Courier.

KIND WORDS FROM MONTANA.

In a recent railroad right of way case involving a Montana line, the attorney for the company in his correspondence with the register at Helena, took occasion to say:

"We should be glad if in transmitting this map to Washington you would convey to the office there our appreciation for their courtesies extended to us in this matter. It is good to find Government officials who want to help and not hinder in developments like this."

NATIONAL FORESTS OR MONUMENTS IN CERTAIN EASTERN MILITARY RESERVATIONS.

By executive order of October 3 a forested area within Fort Benning Military Reservation, Georgia, was designated the Benning National Forest. This national forest was established under authority of section 9 of the act of June 7, 1924, Public No. 270, and will be administered by the Secretary of Agriculture but remain subject to unhampered use by the War Department for purposes of national defense.

The President, by proclamation of October 15, set apart under the act of June 8, 1906 (34 Stat., 225), historic areas in the following military reservations as national monuments:

The site of the statue of Liberty Enlightening the World in Fort Wood in New York harbor, containing about $2\frac{1}{2}$ acres;

Castle Pickney situated on an island in the harbor of Charleston, South Carolina, comprising $3\frac{1}{2}$ acres;

The site of the old fortifications at Fort Pulaski, in Georgia, containing about 20 acres;

Old Fort Marion situated in the city of St. Augustine, Florida, containing 18 acres;

The site of the old fortification at Fort Matanzas, on the east coast of Florida, containing about an acre.

These monuments are under the administration of the War Department.

RECENT EXECUTIVE WITHDRAWALS.

By executive order dated October 6, 1924, an unsurveyed island, locally known as "Proposal Rock," situated in the Pacific Ocean in sections 26 and 35, T. 5 S., R. 11 W., Oregon, was temporarily withdrawn under the provisions of the general withdrawal act of June 25, 1910 (36 Stat., 847), as amended, in aid of legislation. This island is reported to be a refuge and breeding ground for native birds and to possess scenic beauty and it may possibly be used for park purposes in connection with the State highway along the coast.

Under executive order of October 10, a tract of 84.36 acres in T. 16 S., R. 34 E., T. M., on the east coast of Florida previously included in a lighthouse reservation was withdrawn for coast guard purposes.

RECEIPTS FROM SALE OF PUBLIC LANDS CREDITED TO RECLAMATION FUND.

Receipts from the sale of public lands including fees and commissions for the quarter ending September 30, 1924, credited to the Reclamation Fund amounted to \$198,598, the Interior Department has announced.

The largest receipts for the fund came from the State of Wyoming, the amount being \$30,711. The second largest receipts were from Montana with \$29,433, while the third were from Colorado with \$28,258. The State with the smallest receipts was Kansas with \$273. A list of the States with proceeds from the sale of public lands credited to the Reclamation Fund follows:

Arizona-----	\$10,744	New Mexico-----	\$19,817
California-----	22,491	North Dakota-----	624
Colorado-----	28,258	Oklahoma-----	391
Idaho-----	12,508	Oregon-----	13,679
Kansas-----	273	South Dakota-----	5,075
Montana-----	29,433	Utah-----	10,626
Nebraska-----	404	Washington-----	10,136
Nevada-----	3,390	Wyoming-----	30,711

The terms of the Reclamation law passed in 1902 provide that a certain part of the proceeds from the sale of public lands shall be credited to the Reclamation Fund for the construction of irrigation projects by the Government.

SUGGESTIONS TO HOMESTEADERS REGARDING FINAL PROOFS.

FROM THE SANTA FE LAND OFFICE.

In the making of final proofs under the several homestead laws so many mistakes are being made causing serious trouble to homesteaders (even indictments for perjury in many cases) that a few suggestions may not go amiss.

The fatal mistakes in making proofs are:

1. Failure to show and prove residence on the land for at least three years, less five months leave of absence during each year.
2. Failure to show and prove cultivation on all homesteads of 160 or 320 acres of at least 1/16 of the land during the first year and 1/8 of the land each year thereafter until proof is submitted.
3. Failure to show residence and improvements on stock-raising homesteads, said improvements to the value of \$1.25 per acre, besides a habitable house which house can not be counted as improvements.
4. Failure to make proof within five years from the date of allowance of the entry.
5. Making false statements in making proof as to residence, cultivation, or improvements. During the past year over 50 persons have been indicted for perjury on account of making false statements in their final proofs. Charges have been filed against them by persons who are anxious to get the lands and after an investigation is made, it is found that the facts regarding residence, cultivation, or improvements did not correspond with the testimony given in the final proof, hence indictments follow and either the parties have to plead guilty to the charge of perjury or go to trial and in 99 cases out of 100 are found guilty and are sentenced to both a fine and imprisonment.

While it is true that in many instances the proof-taking officer is to blame for not taking proper care in putting the questions to the homesteader and his witnesses, and not getting the facts, yet it is up to the homesteader himself to strictly adhere to the truth and to be sure that he has fully complied with the law before making proof.

If he does not make proof before the register and receiver (which is the safest plan) he should, if in doubt, consult these officers so as to be satisfied that he has complied with the law and prevent the rejection of said proof, as well as more serious complications.

If the above suggestions would be followed carefully, but little trouble would follow, and patents would issue without delay or investigations.

The officers of the local land offices and Field Division are always ready and willing to assist the homesteader with their advice regarding the law and show the homesteader where mistakes of importance could be prevented, so that the proofs would be acceptable without danger of rejection or indictment.

PUBLIC LANDS FOR MUNICIPAL PURPOSES.

Approval of the issuance of patents for 8,226 acres of public land to two cities in Colorado to be used for municipal water and park purposes was announced at the Interior Department October 20, 1924.

The land is to be turned over to the municipalities by the Government as a result of the payment of \$1.25 per acre as provided in acts passed by Congress.

One of the tracts of land upon which the issuance of a patent has been authorized is the city of Golden, Colorado. It contains 1,320 acres. The land is to be used by the city to improve its water supply. Payment has already been made, the legislation authorizing it being enacted by Congress on June 7, 1924.

The other tract contains 1,906 acres and is to be patented to the municipality of Denver. It is situated near the city and is being bought as an acquisition to the park system. The law covering the sale of this land to Denver was passed by Congress August 25, 1914, and since that time the city has been making purchases at intervals of various blocks of public lands located near its corporate limits.

Payment for this 1,906 acres has been made through the General Land Office.

RECENT DECISIONS OF THE COURTS.

Public Lands--Issuance of Patent--Relinquishment.--The land Department of the United States is a special tribunal with judicial functions, having exclusive jurisdiction of issues affecting title to or equitable rights in public lands until patent is issued; and a protest against the allowance of a claim to public land abates by relinquishment of the claim and leaves nothing pending upon which the Department can act.

Wilson v. Elk Coal Company,
300 Federal Reporter, 473.

Coal Lands--Federal Title.--Rights in the coal under public lands can not be acquired or established by a suit in court where the title remains in the United States.

Proctor v. Painter,
300 Federal Reporter, 76.

Water Rights--Appropriation.--Under the laws of Nevada the right of a water company to divert water from natural streams for distribution and sale to consumers is a property right, the value of which it is entitled to have taken into consideration in the fixing of rates to be charged by its customers.

Water Rights--Reasonable Rates.--The rule requiring the base value of the property of a water company, on which rates are calculated to be reasonable, and the right of return to be fair, means not merely fair and reasonable for the instant, but for some reasonable period in the future.

Reno Power, Light & Water Company v.
Public Service Commission,
300 Federal Reporter, 645.

Mineral Lands--Reservation of Mineral.--An exception contained in a warranty deed retaining in the grantor an undivided one-half interest in the oil and gas in and under the land for a period of 20 years, with right to go upon the land and to use so much of the surface as is reasonable in extracting such oil and gas, is no broader or more comprehensive in legal effect than an exception in the original contract to convey, by which the grantor bound himself to execute the deed in question, but which exception clause in the contract omitted the words authorizing him to go upon the land and use "so much of the surface as may be reasonable for the purpose of extracting," since a right to oil and gas necessarily includes the right to reduce it to possession, otherwise the right would be wholly futile, without meaning and without value.

Smith v. Kerr, (Supreme Court of Oklahoma),
228 Pacific Reporter, 951.

Mining Claim--Marking on the Ground.--Marking a mining claim by driving stakes extending 18 inches above the surface at both ends and middle of the center line, and at the four corners of the claim, and piling rocks around them, and posting notices on the center line stakes is held sufficient compliance with the Revised Statutes, section 2324.

Huckaby v. Northam et al.,
228 Pacific Reporter, 717.

Mining Claim--Expenditure.--Unless expenditures for machinery bear some direct relation to mining operations they are not available as annual expenditures required by the Federal statute.

Champion Copper Company v. Peyer et al.,
228 Pacific Reporter, 607.

Equity Procedure--Authority of Appellate Court to Correct Its Own Decrees.--Where the United States Circuit Court of Appeals, in an equity case, discovers upon filing of a motion for rehearing and a supplemental transcript, that in reversing a decree of the United States District Court,

it has acted upon an erroneous conception of the case, it may properly proceed, at the same term at which its decision was rendered and without granting a rehearing, to change its reversal into a decree of affirmance.

Carey Act--Irrigation Companies--Assessments for Operation and Maintenance--Rights of Settlers to Repayment.--Where the State laws (Idaho) vest in the State Land Board the authority to approve assessments proposed to be levied by irrigation companies for operation and maintenance of irrigation works constructed under the Carey Act and require that as a condition to giving such approval the Board must be "satisfied" that the proposed expenditures "are necessary for operation and maintenance" of the irrigation works, and "are proper charges against the settlers," a mere tentative approval by which these questions are reserved for future investigation and determination by the Board, is of no effect, and the settlers are entitled to repayment of moneys collected under an assessment levied pursuant to such tentative approval.

Carey Act--Irrigation Companies--Void Assessment--Jurisdiction of Federal Courts--Authority of State Land Board.--The adjudication by the Federal courts of rights to the repayment of moneys wrongfully collected under a void assessment by an irrigation company operating under the Carey Act is not an encroachment on the province of the State Land Board of Idaho, inasmuch as the State law does not purport to vest the Board with authority to adjudicate such rights.

(Supreme Court of the United States),
Twin Falls Salmon River Land & Water Company,
et al. v. Caldwell et al.
Decided October 27, 1924.

WATER POWER SITES--CLASSIFICATION OF PUBLIC LAND.

During the month of September, 19,120 acres of public land were reserved by application under the Federal Water Power Act for water power sites by the Department of the Interior.

These proposed sites are located in the States of Alabama, California, Colorado, Idaho, Montana, Oregon, and Wisconsin. Areas of public land totalling 9,297 acres heretofore reserved for water power sites in Montana and Oregon were restored to the public domain in September.

During the month slightly more than 5,000 acres of land in Montana and South Dakota were included in formal orders designating the land as nonirrigable under the enlarged homestead acts and to that extent subject to homesteads of 320 acres or less, according to the land classification branch of the Geological Survey. A little more than 100,000 acres in Colorado and Wyoming were classified under the stock-raising homestead law and designated for entry in tracts of 640 acres or less.

Much of the acreage involved in these designations is included in original entries or in applications under the enlarged and stock-raising homestead acts which confer a preference right.

Circular 963.

List of officials to be addressed relative to State and other lands outside the jurisdiction of General Land Office.

UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office

October 22, 1924.

From time to time inquiries are received in the General Land Office, and perhaps at the district land offices, concerning State lands. It is our desire to be of service to those who write for information; if we can not give the information, we should endeavor to refer the writer to the proper office.

The following is a list of officials to be addressed relative to State and other lands outside the jurisdiction of this office. Correspondents desiring information relative to such lands should be referred to these officials.

Alabama	Secretary of State, Montgomery.
Arizona	State Land Commissioners, Phoenix.
Arkansas	Commissioner of State Lands, Little Rock.
California	State Surveyor General, Sacramento, and State Land Settlement Board, Sacramento.
Colorado	State Board of Land Commissioners, Denver.
Connecticut	The State Treasurer, Hartford.
Delaware	Chairman, Public Lands Commission, Dover.
Florida	Commissioner of Agriculture, Tallahassee.
Georgia	Secretary of State, Atlanta.
Illinois	Auditor for State, Springfield.
Indiana	Auditor for State, Indianapolis.
Idaho	State Board of Land Commissioners, Boise.
Kansas	Register of State Lands, Topeka.
Kentucky	Auditor for State, Frankfort.
Louisiana	Register of State Lands, Baton Rouge.
Maine	State Land Agent and Forest Commissioner, State House, Augusta.
Maryland	Land Commissioner, Annapolis.
Massachusetts	Department of Conservation, State House, Boston.
Michigan	Register of State Lands, Lansing.
Minnesota	Auditor for State, St. Paul.
Missouri	Secretary of State, Jefferson City.
Mississippi	Register of State Lands, Jackson.
Montana	State Board of Land Commissioners, Helena.
Nebraska	Commissioner of Public Lands and Buildings, Lincoln.
Nevada	State Land Register, Carson City.
New Hampshire	State Forester, Concord.
New Jersey	Board of Conservation and Development (regarding forest lands); Board of Conservation and Navigation (regarding riparian lands), State House, Trenton.

New Mexico	Commissioner of Public Lands, Santa Fe.
New York	Commissioner of Land Office, Albany; Regarding forest lands, Superintendent of State Forest, c/o State Conservation Department Albany.
North Carolina	Secretary of State, Raleigh.
North Dakota	State Land Commissioner, Bismarck.
Ohio	Ohio Canal Commissioner, Columbus.
Oklahoma	Secretary, State Land Commission, Oklahoma City.
Oregon	Clerk, Land Board, Salem.
Pennsylvania	Secretary of Internal Affairs, Harrisburg.
Rhode Island	No State Land.
South Carolina	Secretary, Sinking Fund Commission, Columbia.
South Dakota	Commissioner of Schools and Public Lands, Pierre.
Tennessee	State Board of Control, Nashville.
Texas	Commissioner, General Land Office, Austin.
Utah	Secretary, State Board of Land Commissioners, Salt Lake City.
Virginia	Register of Land Office, Richmond.
Vermont	Commissioner of Forestry, Montpelier.
Washington	Commissioner of Public Lands, Olympia.
West Virginia	State Tax Commissioner, or State Auditor, Charleston.
Wisconsin	Commissioner of Public Lands, Madison.
Wyoming	Commissioner of Public Lands, Cheyenne.

Insular Possessions.

Philippines	Secretary of Interior, Manila, P. I.
Cuba	Secretary of Interior, Havana, Cuba.
Isle of Pines	Secretary of Interior, Havana, Cuba.
Hawaii	Commissioner of Public Lands, Honolulu.
Porto Rico	Commissioner of Interior, San Juan, Porto Rico.
Virgin Islands	Governor, St. Thomas, Virgin Islands, U. S. A.
Samoan Islands	Bureau of Insular Affairs, War Department.
Guam	Governor at Guam, Guam.
Palmyra Island	Bureau of Insular Affairs, War Department.

Other Countries.

Dominion of Canada	Secretary, Department of Interior, Ottawa.
Panama	Secretary of Public Work, Panama, Republic of Panama.
Mexico	Secretary of Agriculture, Mexico City, Mexico.

GEO. R. WICKHAM,

Acting Commissioner.

RULE 61 OF PRACTICE ABOLISHED

Circular No. 962.

DEPARTMENT OF THE INTERIOR

General Land Office

Washington

October 10, 1924.

"A" GRW

Registers and Receivers,

United States Land Offices.

Gentlemen:

Rule 61 of the Rules of Practice, requiring a statement of costs to accompany the contest record as transmitted to the General Land Office, no longer serving the purpose for which it was originally adopted, is hereby abolished.

Very respectfully,

GEO. R. WICKHAM,

Acting Commissioner.

Approved: October 10, 1924.

E. C. FINNEY,

First Assistant Secretary.

SINGLE WOMAN APPOINTED UNITED STATES COMMISSIONER.
AUTHORITY TO ACT IN MAIDEN NAME AFTER MARRIAGE.

By letter dated October 6, 1924, addressed to the Commissioner of the General Land Office, First Assistant Secretary Finney held that official papers in land matters executed before a United States Commissioner in her maiden name and under which she was commissioned should be accepted in the absence of other objection, notwithstanding her marriage while holding such appointment.

OIL AND GAS ACTIVITIES.

During the month of October the section handling oil and gas permits under sections 13 and 20 of the leasing act received 325 new cases and 1,474 cases for reconsideration. Permits were granted in 378 cases, an increase of 130 over last month; 154 applications were finally rejected, and 138 were finally rejected in part; 418 applications were rejected subject to appeal, and 24 were rejected in part subject to appeal; 371 extensions of time were acted upon, and 67 assignments were disposed of. In 129 cases permits were held for cancellation, and 35 permits were canceled. Departmental decisions were rendered in 12 cases, 10 affirming and 2 modifying the actions of this office; 559 applications were examined and reports thereon called for from the Geological Survey and Reclamation Service, and 856 Geological Survey reports were received; 3,410 letters were written, 326 of which were answers to inquiries.

Under the "relief" sections of the act and other sections providing for the issuance of leases, no permits or leases were issued this month, but 5 applications were transmitted to the Secretary recommending leases; 7 applications were rejected subject to appeal, and 1 appeal was transmitted to the Department; 1 assignment was acted upon, and 6 extensions of time disposed of. Two permits were held for cancellation, 2 canceled, and 1 lease held for cancellation. Three leases were mailed for execution, and 2 substitute bonds were accepted. One sales contract was transmitted to the Department for approval. One permit was held for cancellation and 1 canceled. Sixty-five letters were written, 17 of which were answers to inquiries. The total number of applications received during the month for reconsideration was 52.

MINERAL LEASING RECEIPTS.

Receipts under the mineral-leasing act of February 25, 1920, for the month of September amounted to \$943,746.23, of which \$708.22 is from lands within naval reserves, and \$943,038.01 from lands outside of naval reserves.

This makes a total for the quarter of \$3,140,765.35, \$708.22 within naval reserves, and \$3,140,057.13 outside of naval reserves.

DEPARTMENT OF THE INTERIOR
General Land Office
Washington

1078291

PUBLIC LANDS RESTORED TO HOMESTEAD ENTRY AND OTHER DISPOSITION
BY PROCLAMATION, EXECUTIVE OR DEPARTMENTAL ORDER.

Preference Rights to Ex-Service Men of the War with Germany.

General Method of Opening:

By virtue of Public Resolution No. 29, of February 14, 1920 (41 Stat., 434), as amended by Public Resolutions Nos. 36 and 79, approved January 21 and December 23, 1922, respectively, hereafter and until February 15, 1930, when any surveyed lands within the provisions of the public resolutions are opened or restored to disposition under the authority of the Department, such lands, unless otherwise provided in the order of restoration, shall become subject to appropriation under the laws applicable thereto in the following manner, and not otherwise:

Lands not affected by the preference rights conferred by the acts of August 18, 1894 (28 Stat., 394), or June 11, 1906 (34 Stat., 233), or February 14, 1920 (41 Stat., 407), will be subject to entry by soldiers under the homestead and desert-land laws, where both of said laws are applicable, or under the homestead law only, as the case may be, for a period of 91 days, beginning with the date of the filing of the township plat in the case of surveys or resurveys, and with the date specified in the order of restoration in all other cases, and thereafter to disposition under all of the public land laws, applicable thereto, except where homestead entrymen are granted a prior preference period under the order. For a period of 20 days and for a like period prior to the date or dates such lands become subject to entry by the general public, soldiers in the first instance, and qualified applicants in the second, may execute and file their applications, and all such applications presented within such 20-day periods, together with those offered at 9 o'clock a. m., standard time, on the dates such lands become subject to appropriation under such applications, shall be treated as filed simultaneously.

Unsurveyed lands are not subject to homestead or desert-land entry. A homestead entry may embrace 160 acres, or an approximation thereof, and where the lands are of the character contemplated by the 320 or 640 acres homestead acts, applications for the unappropriated lands may be filed by qualified persons, under either of said acts; accompanied by proper petitions, if undesignated, for the designation of lands thereunder, and such applications will be suspended pending determination as to the character of such lands.

The following are restorations or openings which will occur in the near future and concerning which further information may be obtained from the local offices:

FROM SEGREGATION UNDER THE CAREY ACT.

(458)

IDAHO:

Five thousand two hundred and thirty-seven and ninety-five hundredths acres of land in Twin Falls County, Hailey land district, opened to entry under the homestead and desert-land laws by ex-service men of the World War, beginning October 28, 1924, and opened to entry by the general public under any applicable public land law beginning January 3, 1925.

All the land has been released from segregation for Carey Act purposes. The water supply is not sufficient for such crops as are adaptable. The land is valuable for spring grazing, but its stock-carrying capacity is small.

RESTORATION OF RECONVEYED LAND.

(459)

CALIFORNIA:

Forty acres in San Bernardino County, Los Angeles land district, partly included in a mining claim, open to entry only under the homestead or desert-land laws, subject to existing mineral rights by an ex-service man of the war with Germany for a period of 91 days, beginning November 3, 1924. Filings may be presented at any time within the 20 days prior to such date. On and after February 2, 1925, the land, if unentered, will be subject to appropriation under any applicable public land law by the general public.

The tract is surrounded by railroad and State land, and is non-cultivable. It has been reconveyed to the United States, after having been patented under a railroad grant, on account of the mineral therein.

RESTORATION FROM CAREY ACT SEGREGATION.

(460)

IDAHO:

Eight hundred forty acres in Owyhee County, Boise land district, opened to homestead and desert-land entry by ex-service men of the World War for 91 days, beginning November 4, 1924.

Filings may be presented during the 20 days prior to that date.

Any lands remaining unentered will be opened to the general public under applicable land laws, beginning February 3, 1925.

The preference right above defined is subject, however, to the preference right for 90 days accorded adjoining entrymen and patentees under the act of December 29, 1916 (39 Stat., 865).

Available information indicates that these lands can not be successfully dry farmed, the average precipitation not exceeding 3 inches during the growing season and 10 inches per year. Artesian water has, however, been found on adjoining lands at a depth of from 500 to 1,200 feet in sufficient quantities to irrigate a few acres. The lands have a slight value for grazing purposes.

(461)

RESTORING LANDS IN T. 29 S., R. 28 E., FLORIDA.

FLORIDA:

The lands in T. 29 S., R. 28 E., Tal. M., Florida, withdrawn by the Department July 10, 1920, which have not been patented under the act of October 31, 1919 (41 Stat., 325), are open to homestead entry at the United States land office at Gainesville, Florida, by ex-service men of the war with Germany for a period of 91 days, beginning November 7, 1924, subject to valid rights. On and after February 6, 1925, any legal subdivisions of such land remaining unentered will be subject to appropriation by the general public under any applicable public land laws.

The acreage, which has not been ascertained, is very small.

FROM POWER SITE WITHDRAWAL.

(462)

MONTANA:

Approximately 6,000 acres near the Madison River in Madison County, Bozeman land district, open to entry by ex-service men of the war with Germany under the homestead or desert-land laws for a period of 91 days, beginning November 25, 1924. Filings may be presented at any time during the 20 days prior to that date. On and after February 24, 1925, any of said lands remaining unentered will be subject to appropriation under any applicable public land law by the general public.

FROM TETON NATIONAL FOREST.

(463)

WYOMING:

1.96 acres in Lincoln County, Evanston land district, open to surface homestead entry by an ex-service man of the war with Germany for a period of 91 days, beginning December 20, 1924. Filings may be presented during the 20 days prior to that date. On and after March 21, 1925, if unentered, it will be subject to appropriation by the general public under any applicable public land law. The tract is under withdrawal for coal classification and is therefore subject only to surface agricultural entry. It is located about 20 miles south of Yellowstone Park on the Buffalo Fork of the Snake River and reported to have a third rate gravelly soil and to be generally covered with willow undergrowth.

(464)

MONTANA:

NEVADA:

NEW MEXICO:

UTAH:

OPENED TO ENTRY THROUGH SURVEYS.

The official plats of the survey of public lands have been transmitted to Surveyors General with instructions to transmit copies thereof to the United States land officers for official filing as follows:

Fractional T. 13 S., R. 11 N., P. M., Montana, with letter dated October 16, 1924, approximately 7,000 acres; United States land office at Bozeman.

Fractional T. 4 N., R. 67 E., and T. 42 N., R. 28 E., M. D. M., Nevada, with letters of October 21 and 28, 1924, approximately 30,000 acres; United States land office at Carson City.

Fractional Ts. 22 and 23 N., R. 3 E., T. 23 N., R. 5 E., N. M. P. M., New Mexico, with letters dated September 20 and October 20, 1924, approximately 14,500 acres; United States land office at Santa Fe.

T. 25 S., R. 19 W., and Fractional T. 25 S., R. 20 W., S. L. M., Utah, were surveyed upon application of the State, act of August 18, 1894, and the public lands involved have been withdrawn for 60 days after the date of filing of the plats during which period the State has a preference right to select lands therein in satisfaction of public land grants, which lands aggregate about 24,700 acres. Plats transmitted with letter of October 28, 1924, United States land office at Salt Lake City.

The dates of filing will be fixed by the registers of the several offices, and the public lands indicated will be opened to entry, and subject to prior valid settlement rights and equitable claims, ex-service men of the World War will be entitled to a preference right to enter these lands under the homestead and desert-land laws for a period of 91 days, beginning with the date of the filing of the plats under Public Resolutions Nos. 36 and 79, dated January 21 and December 28, 1922, respectively, except as to the lands in Utah in which the State has a preference right of selection for 60 days; thereafter the preference right of ex-service men will apply for lands not selected by the State. All lands will be opened to general disposition on the expiration of the preference periods indicated.

The land in Montana is reported as rolling and mountainous, well watered and first class grazing; soil generally rocky, clay loam, third rate.

T. 4 N., R. 67 E., Nevada, is rough and broken with a shallow rocky soil. There is considerable juniper and pinon pine timber and undergrowth, and grass affording fair grazing.

T. 42 N., R. 28 E., varies from nearly level land along the south boundary to rolling mountains portions of which are rough and broken. The whole township is covered with a dense growth of sage brush, and a fair growth of nutritious grasses, which afford excellent grazing. The soil is a clay loam mixed with granite.

In New Mexico the lands are described as mountainous, rolling and mesa, covered with timber and dense undergrowth. The soil on the mesas is a sandy clay loam, second rate. On the rough and broken lands it is rocky, third and fourth rates.

In Utah the lands are mountainous and rolling, covered with juniper, balsam, and pinon pine timber, and dense undergrowth of sage brush, yellowtop, bunch grass, etc., which furnishes fair grazing.

CONSOLIDATED WORK REPORT OF LOCAL LAND OFFICES FOR THE MONTH OF

SEPTEMBER, 1924.

OFFICES.	End Last Month.			Received and Disposed of.		End of This Month.		
	Pend- ing desig- nation:	Sus- pend- ed re- jected: other- wise.	Pend- ing un- acted: on by R. & R.	Rec'd in this month.	Trans- mitted to GLO this month.	Now pend- ing desig- na- tion.	Now sus- pend- ed re- jected: other- wise.	Pend- ing unact- ed on by R. & R.
Alabama								
Montgomery		14		16	15		15	
Arizona								
Phoenix	128	179		216	229	122	172	
Arkansas								
Harrison		25		15	22		18	
Little Rock		244		53	58		239	
California								
El Centro	4	42		28	31	4	39	
Eureka	51	3		7	9	52		
Independence	29	67		15	21	27	63	
Los Angeles	41	130		146	155	46	116	
Sacramento	51	80		45	54	56	66	
San Francisco	77	29		78	73	71	40	
Susanville	18	25		22	24	17	24	
Visalia	10	443		449	47	11	844	
Colorado								
Del Norte	31	7		11	11	28	10	
Denver	69	47		44	42	66	52	
Durango	10	20		57	55	10	22	
Glenwood Springs	228	418		223	303	172	394	
Lamar	30	23	1	68	69	32	20	1
Leadville	3	26		36	33	5	27	
Montrose	135	152		96	79	144	160	
Pueblo	190	149		121	121	189	150	
Sterling	11	9		18	12	11	15	
Florida								
Gainesville		18	15	77	65		20	25
Idaho								
Blackfoot	43	66		46	50	50	55	
Boise	65	54		41	51	60	49	
Coeur d'Alene		15		21	16		20	
Hailey	63	90		56	74	64	71	
Lewiston	10	16		7	5	10	18	
Kansas								
Topeka	24	6		10	11	25	4	

Louisiana	:	:	:	:	:	:	:	:
Baton Rouge	:	:	21 :	:	34 :	27 :	:	28 :
Michigan	:	:	:	:	:	:	:	:
Marquette	:	:	14 :	:	15 :	17 :	:	12 :
Minnesota	:	:	:	:	:	:	:	:
Cass Lake	:	:	11 :	:	23 :	23 :	:	11 :
Crookston	:	9 :	:	:	22 :	18 :	:	13 :
Duluth	:	:	6 :	:	23 :	23 :	:	6 :
Mississippi	:	:	:	:	:	:	:	:
Jackson	:	:	10 :	:	13 :	12 :	:	11 :
Montana	:	:	:	:	:	:	:	:
Billings	:	20 :	16 :	:	5 :	14 :	12 :	15 :
Bozeman	:	57 :	71 :	:	26 :	45 :	58 :	51 :
Glasgow	:	82 :	26 :	:	118 :	113 :	72 :	41 :
Great Falls	:	26 :	45 :	:	64 :	65 :	21 :	49 :
Havre	:	37 :	62 :	:	50 :	52 :	40 :	57 :
Helena	:	126 :	39 :	:	98 :	127 :	95 :	41 :
Kalispell	:	:	9 :	:	7 :	8 :	:	8 :
Lewistown	:	98 :	31 :	:	28 :	41 :	89 :	27 :
Miles City	:	160 :	80 :	:	148 :	123 :	175 :	90 :
Missoula	:	4 :	10 :	:	12 :	12 :	4 :	10 :
Nebraska	:	:	:	:	:	:	:	:
Alliance	:	31 :	7 :	:	12 :	17 :	30 :	3 :
Lincoln	:	22 :	1 :	:	6 :	4 :	20 :	5 :
Nevada	:	:	:	:	:	:	:	:
Carson City	:	22 :	122 :	:	27 :	40 :	29 :	102 :
Elko	:	34 :	37 :	:	24 :	21 :	33 :	41 :
New Mexico	:	:	:	:	:	:	:	:
Clayton	:	63 :	36 :	:	57 :	53 :	67 :	36 :
Fort Sumner	:	23 :	36 :	:	54 :	62 :	22 :	29 :
Las Cruces	:	20 :	74 :	:	98 :	91 :	20 :	81 :
Roswell	:	54 :	91 :	:	187 :	169 :	61 :	102 :
Santa Fe	:	68 :	203 :	:	173 :	236 :	50 :	158 :
North Dakota	:	:	:	:	:	:	:	:
Bismarck	:	29 :	14 :	:	16 :	23 :	16 :	20 :
Dickinson	:	4 :	11 :	:	4 :	5 :	6 :	8 :
Oklahoma	:	:	:	:	:	:	:	:
Guthrie	:	50 :	12 :	:	15 :	21 :	50 :	6 :
Oregon	:	:	:	:	:	:	:	:
Burns	:	14 :	16 :	:	35 :	30 :	19 :	16 :
La Grande	:	51 :	73 :	:	14 :	22 :	60 :	56 :
Lakeview	:	40 :	52 :	:	25 :	20 :	41 :	56 :
Portland	:	:	5 :	:	22 :	18 :	:	9 :
Roseburg	:	:	48 :	:	77 :	46 :	:	79 :
The Dalles	:	130 :	32 :	:	32 :	92 :	61 :	41 :
Vale	:	17 :	69 :	:	20 :	28 :	10 :	68 :
South Dakota	:	:	:	:	:	:	:	:
Bellefourche	:	3 :	12 :	:	45 :	49 :	4 :	7 :
Pierre	:	61 :	40 :	:	52 :	75 :	40 :	38 :
Rapid City	:	26 :	30 :	:	78 :	90 :	18 :	26 :

Utah	:	:	:	:	:	:	:	:	:							
Salt Lake City	:	309	:	242	:	174	:	174	:	298	:	253	:			
Vernal	:	32	:	14	:	42	:	25	:	27	:	36	:			
Washington	:	:	:	:	:	:	:	:	:	:	:	:	:			
Seattle	:	:	:	9	:	5	:	4	:	:	:	10	:			
Spokane	:	19	:	33	:	50	:	53	:	10	:	39	:			
Vancouver	:	2	:	3	:	6	:	8	:	1	:	2	:			
Walla Walla	:	22	:	6	:	11	:	19	:	13	:	7	:			
Waterville	:	26	:	16	:	12	:	25	:	14	:	15	:			
Yakima	:	10	:	6	:	7	:	18	:	4	:	1	:			
Wisconsin	:	:	:	:	:	:	:	:	:	:	:	:	:			
Wausau	:	:	:	2	:	10	:	10	:	:	:	2	:			
Wyoming	:	:	:	:	:	:	:	:	:	:	:	:	:			
Buffalo	:	79	:	46	:	109	:	101	:	83	:	50	:			
Cheyenne	:	76	:	116	:	137	:	161	:	45	:	123	:			
Douglas	:	20	:	115	:	178	:	189	:	24	:	96	:	4		
Evanston	:	28	:	103	:	69	:	96	:	31	:	73	:			
Lander	:	28	:	48	:	70	:	81	:	34	:	31	:			
Newcastle	:	45	:	77	:	132	:	131	:	47	:	76	:			
Total,	:	3,398	:	4,705	:	16	:	4,793	:	4,762	:	3,126	:	4,994	:	30

LEGAL HONORS FOR THE GENERAL LAND OFFICE.

Admission to practice before the Supreme Court of the United States was granted the following members of the General Land Office force:

On October 9, 1924--

Mr. Clarence G. Fisher, Member, Board of Law Review.

Miss Mary Grace McVey, Secretary, Board of Law Review.

While among those admitted to practice before the Supreme Court of the District of Columbia, as a result of having successfully passed the bar examinations last June, were:

On October 14th--

Mr. J. Paul Hester, Division "G"

On October 16th--

Mr. Hugh Postles, Division "H."

On October 17th--

Mr. James C. Shanholtzer, Division "H."

Mr. William L. Thomas, Division "G."

Mr. Dan J. Sheehan, Division "F."

TELL THE BULLETIN.

To All Local Offices and Field Service Employees:--If anything occurs, in the public land service, which you think is of administrative value, tell us about it. Address all communications to the Commissioner of the General Land Office, "Land Service Bulletin." All information should be received not later than the 24th of each month for use in the current number.

LAND SERVICE BULLETIN DEPARTMENT OF THE INTERIOR GENERAL LAND OFFICE

By direction of the Secretary of the Interior, the matter contained herein is published as administrative information and is required for the proper transaction of public business.

Vol. 8.

December 1, 1924.

No. 10.

THE ANNUAL REPORT OF THE COMMISSIONER OF THE GENERAL LAND OFFICE.

The annual report of the transactions of business in the General Land Office for the last fiscal year should be a matter of special interest to all members of the Land Service, inasmuch as all in some degree have contributed to the general result.

The past year has not been marked by any startling innovations, either in public land legislation or its administration, but it has been one of steady attention to the every day call of duty, with an excellent showing to our credit as may be seen in a few items taken from the general summary.

Area of Land Entered and Patented.

The total area of public and Indian lands originally entered and allowed during the fiscal year ended June 30, 1924, is 4,564,412 acres and of this area thus entered 2,812,624 acres were allowed under the stock-raising act of December 29, 1916.

The area patented during the fiscal year was 8,826,039 acres of which area 5,530,781 acres were patented under the homestead laws.

Cash Receipts and Expenditures.

The total cash receipts from sales, leases, and other disposition of public lands and kindred sources for the fiscal year was \$16,013,915.07, and from sales of Indian lands \$359,088.97, an aggregate of \$16,373,004.04, which was deposited in the Treasury of the United States.

Five per cent of the net proceeds from cash sales of public lands are paid to the public land States within which such sales are made, and the balance of such net receipts from States included within the reclamation act, together with the net receipts from fees and commissions from the State are paid into the reclamation fund; 90 per cent of the net receipts under the mineral leasing act from lands outside of naval petroleum reserves are divided between the States from which the minerals are taken and the reclamation fund. Under this scheme of disposition \$8,107,989.18 were paid into the reclamation fund and \$5,048,705.55 into State funds.

Surveying Service.

Public land surveys were extended during the fiscal year in 21 States and in the Territory of Alaska under 233 separate groups, and resurveys of all classes were made in 17 States under 80 groups; miscellaneous surveys, including work for and in cooperation with other Governmental agencies were executed in every part of the public domain. During the year plats of surveys and resurveys were approved and placed on file comprising an aggregate area of 6,593,440 acres.

Homestead and Kindred Entries.

During the year 17,013 final entries of all kinds were approved for patent including 7,006 stock-raising homestead entries covering an area of 2,812,624 acres. The total number of stock-raising homestead patents issued since the passage of the act is 29,290 embracing an area of 10,075,333 acres.

State Grants and State Selections.

There were approved and conveyed to the States 274,236 acres of indemnity school lands and 19,209 acres of quantity grant lands. Title to 20,788 acres was conveyed to the State with reservation of mineral deposits to the United States, and conveyances amounting to 21,822 acres were made to the States under cooperative agreements providing for the exchange of school lands within the boundaries of national forests or other lands within such boundaries.

Railroad Grants and Selections.

There were allowed and patented during the year 1,573,640 acres under grants in process of adjustment.

Sales of timber on lands formerly embraced within the Coos Bay Wagon Road Grant and the Oregon and California Grant during the year aggregated \$922,790.15.

Mineral Leasing Act.

Under the mineral leasing act the principal activities were in the development of coal, oil, and gas. One hundred fifty coal-prospecting permits were issued covering an aggregate of 147,114 acres, and 78 coal leases for an aggregate of 24,392 acres.

Oil and gas activities show the issuance of leases for 5,375 acres and the allowance of 4,108 applications for prospecting permits.

The receipts of the Federal Government for the fiscal year from 'bonus', royalties, and rentals under the law providing for the leasing of mineral rights on the public domain aggregated \$13,631,840.72.

Legislation Recommended.

The Commissioner calls attention to the fact that no Federal control of grazing on the public lands has thus far been exercised by Congress though often suggested, and that the time seems to have been reached when action in that direction should be taken to the end that the growth of native grasses and forage may be conserved thereby and the development of our natural resources secured to a corresponding degree; he therefore recommends legislation that will authorize the Secretary of the Interior to set apart public lands suitable chiefly for grazing, and lease the same under regulations, and in such bodies as will insure the preservation of the pasturage or forage values, with due protection to the rights of the settler and the development of mineral deposits that may be found on such lands.

The consolidation of the administrative organization of the public land service in the Territory of Alaska is also made the subject of recommendation by the Commissioner, by which the duties of the Surveyor General and Registers and Receivers of the United States district land offices will be consolidated under charge of one officer to be designated "Superintendent of Public Lands," with a corresponding improvement to the public land service and settlers in the Territory.

SURVEY NOTES.

The regular public meeting of the Board of Surveys and Maps of the Federal Government, held on November 11, 1924, was devoted to a review of the cadastral surveys of the General Land Office and to a discussion of the legal, administrative, and technical questions involved in the execution of the public land surveys. The meeting was addressed by several representatives of the General Land Office who presented papers covering broadly, although necessarily in outline only, the entire scope of the activities of the cadastral engineering service.

After preliminary remarks the chairman introduced the Honorable William Spry, Commissioner of the General Land Office, who spoke briefly concerning the fundamental importance of the work of the surveying service in its relation to the more general functions of the bureau through which the public lands are made available to the settler for homestead purposes. The keynote of the Commissioner's address was "public service;" the fact that in extending such service and in discharging its duty to the public the General Land Office must depend upon cooperation of our surveying organization was noted, and credit was given for the manner in which that duty is being performed.

Mr. S. V. Proudfit, Senior Attorney and Member of the Board of Law Review, spoke upon the relation of the cadastral survey to the legal questions involved in the administration and disposal of the public lands. The speaker called attention to the function of the official survey as the basis for the acquisition of title to the public lands, to the inseparable nature of the legal and technical questions involved, and to the importance of an accurate and competent survey as a prerequisite to the consideration and adjudication of the legal questions which so largely engage the attention of the office.

Mr. W. T. Paine, Chief of the Division of Surveys, General Land Office, spoke upon the organization and administration of the cadastral engineering service. The vast scope of its activities was reviewed, the functions of its various agencies were explained, and the relation of its several coordinate branches was discussed in such a manner as to trace the various administrative steps in the development of the cadastral survey from its initial authorization to the filing of the final record of the work accomplished.

The technical activities of the cadastral engineering service and the nature of its problems were discussed by Mr. C. G. Tudor, Cadastral Engineer, General Land Office. The development of the public land surveys and of the science of cadastral engineering was outlined, the transition from the old contract system to the modern practice was noted, and attention was called to the features which distinguish the cadastral survey or resurvey from the more usual or general types of survey which serve chiefly to provide information for the public. The procedure followed in the execution of official resurveys was indicated and the problems confronting the engineer engaged in resurvey practice were briefly discussed.

Mr. A. D. Kidder, Associate Supervisor of Surveys, General Land Office, addressed the meeting upon the subject of cadastral surveys as a basis for evidence which is to be submitted in court proceedings or in the determination of legal issues within the jurisdiction of the General Land Office. The importance of competent map exhibits was emphasized, particularly where questions of riparian ownership are involved, and the essential features of the cadastral map or plat as distinct from the topographic exhibit were noted. Mr. Kidder brought out the fact that topographic mapping questions have been subordinated to the more important immediate requirements of the plats of cadastral surveys and further discussed the characteristics of the plats or maps published by the General Land Office; the subject under consideration was thus related to the work of the Board of Surveys and Maps.

A number of copies of the papers above described are available for distribution on request.

FIELD SERVICE NOTES.

Special Agent C. F. Follen, who has been working in Minnesota, Wisconsin, and Michigan the past season, has been driven to cover by cold weather and is now at headquarters here preparing reports on work accomplished.

Special Agent Frank P. Farley, of the Salt Lake Division, during his recent vacation visited Kentucky, Baltimore, and Washington, subsequently returning to temporary duty in the office of the Chief of Field Service preparing reports on cases investigated in the field.

Agent in Charge of Hearings, Orris Bennett, of the Helena Division, was a recent visitor in Washington where he was visiting old friends.

Special Agent Frank W. Yoder, of the Cheyenne Division, spent a part of his annual leave recently visiting friends and relatives in Washington and vicinity.

Miss Ruth Williams, clerk in the Salt Lake Division, resigned her position, effective December 1.

RAILROAD RATES--CLERGYMEN--SPECIAL AGENTS.

Santa Fe, New Mexico,
November 13, 1924.

Captain George E. Hair,
Chief of Field Service, G. L. O.,
Washington, D. C.

Dear Captain Hair:

Under date of November 5, 1924, I forwarded you a copy of my letter to the field employees of this Division, advising them that the stage company operating between Santa Fe and Albuquerque offered us a rate of \$2.35.

I am now in receipt of information from the stage company to the effect that it is impossible for them to give us a lower rate than the railroad fare between Albuquerque and Santa Fe, which is \$3.08. The manager advises me that when the rate of \$2.35 was made, he considered the members of the field force in the same class with preachers. In view of which, I assume he was of the opinion we were entitled to clergymen rates. However, he now advised me that, upon investigation, he finds the members of our force are not the same as preachers. I do not know the nature of his investigation upon which he based the assumption that we were not preachers.

Very truly yours,

J. T. MURPHY,
Chief, Santa Fe Field Div., G. L. O.

RAILROAD CONSTRUCTION IN COLORADO.

As an evidence of better financial feeling in the West, there is an indication that railroad construction may be resumed in the near future in the filing of the right of way maps of the Denver and Salt Lake Western Railroad in the land office at Glenwood Springs, Colorado. This is the first railroad right of way application to be filed in that district for several years past.

The plan of the new road is no doubt the result of the construction now in progress of the 6-mile tunnel through James Peak on the line of the Moffat road west from Denver, and when it is constructed it will connect that road with the Denver and Rio Grande Western, cutting almost exactly 150 miles from the railroad distance between Denver and Salt Lake City.

Heretofore the homesteaders of northwestern Colorado have had but one market, Denver. With the completion of the new road their products may be carried west to Salt Lake City and Pacific coast markets, opening up new homestead activity in the Glenwood Springs land district.

Respectfully,

WALTER SPENCER,

Register.

PUBLIC LANDS RESERVED FOR FEDERAL WATER
POWER PURPOSES.

The number of acres of public land reserved as valuable for water power purposes and held subject to disposal under the Federal Water Power Commission totalled 4,762,844 acres at the end of the last fiscal year, according to information made public at the Interior Department.

These lands are located along rivers and streams in 20 States and Territories. The State having the largest areas of public land reserved for the creation of water power is Arizona with 1,049,969 acres. The second State on the list is California with 976,095 acres. Utah is third, the number of acres withdrawn being 468,678 acres. A list of States and Territories with the acreage of public land reserved for this water power purpose follows:

	<u>Acres.</u>		<u>Acres.</u>
Alabama,	749	Montana,	214,830
Alaska,	167,988	Nebraska,	761
Arizona,	1,049,969	Nevada,	300,270
Arkansas,	28,551	New Mexico,	207,548
California,	976,095	Oregon,	467,237
Colorado,	298,376	South Dakota,	12
Florida,	486	Utah,	468,678
Idaho,	266,659	Washington,	151,181
Michigan,	1,240	Wisconsin,	870
Minnesota,	12,357	Wyoming,	148,987

RECREATIONAL SURVEY OF FEDERAL LANDS.

May 5, 1924, a National Conference on Outdoor Recreation was called at the request of the President, which was in session at the New National Museum, Washington, D. C., May 22, 23, and 24. The proceedings were afterwards published as Senate Document No. 151, 68th Congress, 1st Session.

The Executive Secretary of the conference on August 30, 1924, addressed a letter to the Commissioner of the General Land Office, advising him of the proceedings and inviting cooperation of the General Land Office in the work about to be undertaken. September 6, 1924, the Commissioner responded to the effect that he was very much interested in the development of the recreational policy set on foot by the President and stated that this office could be counted upon to lend its active assistance at all points where it comes in contact with operations furthering the purposes of the conference. He added:

"The General Land Office has for many years instructed the members of its Field Service to keep a watchful lookout for the preservation of places and objects of interest to the tourist and general public wherever found upon the public domain. The result of this course has been very productive in the creation of a number of our national parks and monuments, and reservations of similar character.

"The suggestion therefore found in a copy of the proceedings that there should be a complete and comprehensive survey and classification of all recreational facilities and resources both public and private for the entire country, meets with my full approval, and so far as practicable I shall lend my assistance toward the accomplishment of this purpose."

A committee On Recreational Survey of Federal Lands was organized and the secretary of this committee addressed the letter given below to the General Land Office:

COMMITTEE ON
RECREATIONAL SURVEY OF FEDERAL LANDS

Office of the Secretary
1512 H Street, N. W.
Washington, D. C.

October 31, 1924.

Hon. William Spry,
Commissioner, General Land Office,
Interior Department,
Washington, D. C.

Dear Mr. Spry:

The Committee on Recreational Survey of Federal Lands, which was organized on October 8 at the request of the President's National Conference on Outdoor Recreation, requests the assistance of your bureau in collecting facts concerning the recreational opportunities on lands under your administration. Our mission is to discover specifically what areas are capable of being used recreationally, as well as for the purposes already prescribed by law; the ultimate aim being that they shall realize their fullest possible usefulness to the people.

Most of our information about the recreational possibilities of lands under your administration necessarily must come through your bureau, and we shall very greatly appreciate your interest and cooperation in this work. The simplest way will be to have this information entered, as you receive it from your field officials, on maps marked according to the scheme accompanying this letter.

Ultimately, the information we receive from all sources will be entered on a large final map, which will be laid before the President's Committee on Outdoor Recreation, consisting of the Secretaries of the Interior, Agriculture, War, Commerce, and Labor, and the Assistant Secretary of the Navy, to assist in the determination of a general plan and policy to place before Congress.

During the past summer, in advance of the Committee's organization, I consulted with Captain Hair on this subject and he will be able to inform you more definitely of the situation as concerns the Public Lands.

Sincerely yours,

ROBERT STERLING YARD,
Secretary, Committee on
Recreational Survey of Federal Lands.

AMERICAN FORESTRY ASSOCIATION

NATIONAL PARKS ASSOCIATION

COMMITTEE ON RECREATIONAL SURVEY OF FEDERAL LANDS

(Organized at request of National Conference on
Outdoor Recreation.)

Room 705, 1512 H Street, N. W.,
Washington, D. C.

It is requested that information concerning the recreational quality of lands be furnished as far as possible on maps marked according to the following plan:

1. Outline in red ink or pencil, on best available map, areas of surpassing scenic quality, such as will attract motor, trail, or rail tourists from different parts of the country. Designate this area by a red A, and below it in figures the approximate acreage.
2. Outline in blue ink or pencil areas of secondary scenic quality which are nevertheless of high recreational value for camping out, fishing, etc. Forested lakes, rivers, and streams, diversified country, scenic or otherwise, would come into this classification. Designate such areas by a blue B under which write the approximate acreage.
3. Outline in black ink or pencil isolated wooded or water-side tracts in regions otherwise unsuited for recreational use which will serve the purpose of temporary camps or stopping places for passing tourists. Such areas should be designated with a black C, under which write the approximate acreage.

Supplementing these maps, please enclose notes of available information concerning the general character of the country, whether mountain, plain, desert, etc., its accessibility by established roads, railways, etc., trails if you know of any; about how many campers or tourists use them, provided, of course, you know; whether, in your opinion, their recreational development requires new road and trail building, and any other information which you think may be useful to us in our quest.

ROBERT STERLING YARD,

Secretary to the Committee.

On receipt of this request identical letters were addressed by the Commissioner of the General Land Office to the Supervisor of Surveys and the Chief of the Field Service, calling attention to the request and directing appropriate action to secure the specific information required so far as the public lands are concerned and transmit the data that might be thus secured to this office from time to time as it comes to hand. The General Land Office is now in receipt of a letter dated November 20, 1924, from the Supervisor of Surveys at Denver, Colorado, copy of which follows:

DEPARTMENT OF THE INTERIOR
General Land Office
Office of the Supervisor of Surveys
Denver, Colorado

November 20, 1924.

The Commissioner of the General Land Office,
Washington, D. C.

Sir:

I am in receipt of your letter 1151018 "A" SVP, dated November 15, 1924, wherewith is enclosed copy of a letter to you of October 31, 1924, from Mr. Robert Sterling Yard, Secretary of the Committee on Recreational Survey of Federal Lands, in the matter of the General Land Office assisting and cooperating with the Committee in collecting facts concerning the recreational opportunities on lands under the administration of your office. You also enclose copy of Mr. Yard's plan of compilation and reporting.

This Service, I believe, is in an exceptional position to furnish information of the character wanted. The fields of much of our present-day activity are in the vicinity of the scenic sources of

the streams and rivers whose agricultural valleys far below at one time occupied our attention. Some of these localities in the higher ranges, concerning which the public in general has little or no definite knowledge, might well be classed as areas of surpassing scenic quality, such as would, if generally known, attract widespread interest. Of scarcely less interest are the numerous lakes in the upper plateau country in the timbered belt of the greater mountain ranges, many of which are hardly known outside of the circle of those residing in their immediate vicinities. These lakes, as a rule, possess a high recreational value and while many of them are inaccessible to automobiles at the present time, there are a number that could be made approachable at reasonable expense.

The deserts also possess their charm and if better known would afford pleasure and recreation to and add to the store of knowledge of thousands of tourists who now associate danger and disaster with travel on the so-called arid wastes.

This Service is particularly pleased at the opportunity to cooperate and assist in so worthy a cause.

Very respectfully,

FRANK M. JOHNSON,

Supervisor of Surveys.

The Land Service Bulletin is giving all publicity to this commendable effort on the part of the administration to secure for the benefit of the public the reservation of such bodies of public land as may be appropriate for recreational purposes, to the end that in addition to the information which may be secured through the agency of the Field and Surveying Service that other members of the Service throughout the field may contribute additional items of interest in this respect.

CLASSIFICATION OF PUBLIC LANDS.

Nearly 60,000 acres of land in Colorado, Idaho, and Wyoming were included in formal orders designating the land as nonirrigable under the enlarged homestead acts and to that extent subject to entry as homesteads of 320 acres or less according to the summary of public land classification by the Interior Department through the Geological Survey for the month of October. Much of the acreage involved in these designations is included in original entries or in applications which confer a preference right.

More than 15,000 acres of land in Arizona were withdrawn as valuable for water power, and nearly 3,000 acres of land in California, Colorado, Oregon, and Washington, previously included in such withdrawal, were restored to entry. A small area in Utah, less than 100 acres, was classified as power-site land.

During October the Geological Survey reported upon the structural relations of lands embraced in 829 applications for prospecting permits under the oil sections of the leasing act of February 25, 1920, thus bringing the number of such reports rendered since the passage of the act to 26,948. Nearly 500 such applications were pending in the Survey October 31, 1924. During the month reports were rendered on 8 applications for coal prospecting permits and 16 applications for coal leases, making a total of 1,439 applications for coal permits and 614 applications for coal leases reported on since the passage of the act.

ROADS AND TRAILS--COLD BAY DISTRICT ALASKA.

In order to provide roads and trails to the Cold Bay district in Alaska, an executive order has been issued withdrawing two tracts of public land along Portage Bay at Kanatak, it was announced at the Interior Department today.

The reservation of the plots of ground is at the request of the War Department to be used by the Alaska Road Commission in the construction and maintenance of post and military roads.

Both tracts extend from tidewater in Portage Bay to elevations along the coast fixed by previous surveys. The Cold Bay district is now being drilled for oil and the most accessible entry to the district is through Portage Bay. A townsite on Portage Bay has also been staked.

The Secretary of the Interior, at the request of the Secretary of War, recommended to the President that the tracts be withdrawn from the public domain.

RECENT EXECUTIVE ORDERS.

By recent executive orders the following areas have been withdrawn for the specified public purposes:

40 acres in New Mexico containing valuable improvements for Indian use, in aid of legislation;

15,760 acres in T. 15 S., R. 3 E., and Ts. 16 S., Rs. 3 and 4 E., near Cascade Forest, Oregon, for classification and in aid of proposed legislation;

240 acres near Austin, Nevada, containing hot mineral springs, in aid of pending H. R. 6710, which would authorize this Department to lease or permit the use of lands around mineral springs on public lands;

Ts. 12 S., Rs. 20, 21, 21½, and 22 E., and Ts. 13 S., Rs. 20, 21, and 22 E., New Mexico, pending resurvey;

Three abandoned military reservations on small islands in San Pablo and San Francisco Bays, California, for use by the Department of Commerce for lighthouse purposes;

4,880 acres in Utah as an addition to Naval Oil Shale Reserve No. 2;

320 acres in Colorado containing a cave of more than local interest, pending determination as to advisability of reserving the same as a national monument or recreational area;

A tract in the vicinity of Kanatak, Portage Bay, Alaska, for use of the Alaska Road Commission.

By executive order of November 26, Alaskan Timber Reserve No. 1 was revoked as to the 10-mile strip along the right of way of the Government Railroad from Indian Station, on the north shore of Turnagain Arm, to Fairbanks.

WITHDRAWAL FOR LIGHTHOUSE PURPOSES.

Three islands along the California coast have been withdrawn from the public domain by executive order and turned over to the Department of Commerce for lighthouse purposes.

They include the Brothers Island, consisting of two rock islets having a channel between them situated near Point San Pablo; the Sisters Island, consisting of two small islands near Point San Pedro; and the Molate Island situated in the bay of San Francisco near its junction with the bay of San Pablo.

The islands were formerly included in abandoned military reservations, which were returned to the public domain and placed under the control of the Secretary of the Interior last year.

The largest is the Molate Island containing approximately 7 acres.

DEPARTMENT OF THE INTERIOR

General Land Office

Washington

November 11, 1924.

- : Suggestion that Descriptions
- : of Lands be Omitted Where
- : Descriptions are not Material.

Officers and Employees,

General Land Office:

It is noted that many clerks, in writing letters and decisions, omit descriptions of lands in all cases where the descriptions are not material; others give the descriptions in all cases, whether material or not. The former practice is the better, and it is suggested that it be followed in all cases where appropriate. If the acreage only is material and the description is not, the acreage only should be given.

Letters and decisions which contain unnecessary descriptions are not only unnecessarily long, but in writing them time is consumed unnecessarily in dictating, typing, checking, and rechecking the descriptions. Where the descriptions are important they should, of course, be given in all cases.

Where descriptions are omitted the following data should be given, unless in a particular case the data, for some reason, is not necessary:

1. Date of filing.
2. Name of applicant or entryman.
3. Serial number.
4. The law or the section of the law under which filed.

Very respectfully,

WILLIAM SPRY,

Commissioner.

DISPOSITION OF PUBLIC LAND BY THE GENERAL LAND OFFICE UNDER AUTHORITY OF CONGRESS
AND REGULATIONS OF THE SECRETARY OF THE INTERIOR TO JULY 1, 1924.

	<u>Acres.</u>	<u>Acres.</u>
Area of United States, land surface, exclusive of Alaska and Insular Possessions -----		1,903,289,600
Thirteen Original States -----	292,982,400	
Texas -----	167,934,720	460,917,120
Total land surface of the public land States -----		1,442,372,480
<u>Class of Disposal.</u>		
Homestead, finals other than commuted -----	218,659,037	
Finals, including preemptions, commuted homesteads, other cash entries and sales -----	305,309,477	
Timber and stone -----	13,730,124	
Desert land -----	9,429,060	
Coal land -----	603,526	
Timber culture, finals and commuted -----	10,866,888	
Railroad and Wagon Road Grants:		
Certified or patented -----	133,878,811	
Unpatented -----	27,560,324	161,539,168
Carey Act, patented -----	1,137,324	
Swamp land grants to States -----	64,729,004	
Educational and other grants to States -----	137,668,490	
Confirmed private land claims -----	34,634,164	
Military bounty land warrants located -----	64,086,867	
Allotments to Indians -----	25,785,091	1,048,278,220
Unappropriated and unreserved:		
Surveyed -----	129,186,371	
Unsurveyed -----	57,418,362	186,604,733
Unperfected entries -----		30,239,059
Reservations and withdrawals:		
Indian lands -----	35,000,000	
National forests -----	134,841,236	
National parks -----	5,420,252	
National monuments -----	435,374	
Carey Act segregations -----	1,105,564	
Miscellaneous withdrawals -----	6,651,222	183,513,648
Total, -----		1,448,635,660
Deduct total land surface of the public land States -----		1,442,372,480
		*6,263,180

*This apparent excess of 6,263,180 acres is explained by the fact that no record was kept in the earlier years by this office of the acreage involved in relinquishments and cancellations of entries, selections, etc., which areas were, of course, in many cases reentered and subsequently included in reports of dispositions of land.

UNRESERVED UNAPPROPRIATED PUBLIC LAND.

The approximate area of unreserved unappropriated public lands outside of Alaska still owned by the United States up to the close of the last fiscal year amounts to 186,604,733 acres, according to information made public at the Interior Department through the General Land Office.

The public lands are located in 24 States and are exclusive of forest reservation, Indian reservations, other reserved lands and the Territory of Alaska. The State having the largest unappropriated public domain is Nevada with 52,282,278 acres. Utah comes second with 28,767,687 acres. Third on the list is California with 19,626,172 acres. The State having the smallest area of public land is Kansas with 2,038 acres. Out of the 48 States of the Union there are 24 that no longer have public lands within their boundaries.

A list of the States with estimated acreage of public lands still owned by the Government up to the end of the last fiscal year follows:

Alabama,	36,140	Montana,	6,784,286
Arizona,	13,896,860	Nebraska,	30,671
Arkansas,	233,599	Nevada,	52,282,278
California,	19,626,172	New Mexico,	16,363,769
Colorado,	7,596,970	North Dakota,	131,659
Florida,	79,606	Oklahoma,	34,533
Idaho,	9,811,031	Oregon,	13,420,221
Kansas,	2,038	South Dakota,	242,005
Louisiana,	8,876	Utah,	28,767,687
Michigan,	71,691	Washington,	1,209,385
Minnesota,	264,225	Wisconsin,	4,652
Mississippi,	18,546	Wyoming,	15,687,833

There are 338,000,000 acres of unreserved public lands in Alaska.

NAVAL OIL SHALE RESERVE NO. 2.

Increase in the size of Naval Shale Reserve No. 2, located in Utah by approximately 4,880 acres has been authorized by an executive order.

The reserve established in 1916 with approximately 86,584 acres now covers an area of approximately 91,464 acres with this additional land. Increase in the size of the reserve was made possible by the discovery that school sections of land within the area granted to the State of Utah providing they did not contain minerals were found to be mineral bearing.

The field service of the General Land Office recently conducted an investigation and it was found that these school sections contained valuable deposits of shale and were known to be of such character prior to the dates the rights of the State of Utah would have attached.

The executive order increasing the size of the reserve was issued on the recommendation of the Secretary of the Interior.

HOMESTEAD ENTRIES DURING THE PAST FISCAL YEAR.

Compared with a half-century ago when hundreds of thousands of American citizens were moving West to settle on the Nation's public lands, the number of homestead entries filed during the past fiscal year fell off to 13,886, according to the records of the Interior Department.

This represents a decrease of 5,056 over the previous year, the number of entries filed for the fiscal year of 1923 being 18,942. The total area of public lands homesteaded was 3,873,172 acres in 1924, as compared with 5,524,159 acres in 1923.

The largest number of homestead entries during the past fiscal year were filed in the State of New Mexico where there were 1,918 covering 692,982 acres of public land. The second State on the list was Colorado with 1,799 homestead entries covering 542,253 acres. Wyoming was third on the list with 1,788 homestead entries filed covering 643,657 acres. The fourth was Montana where 1,692 homestead entries were filed covering 496,072 acres. California was fifth on the list with 1,420 homestead entries covering 350,543 acres.

The list of States with the number of homestead entries on the public domain and the acreage homesteaded follows:

	<u>Number.</u>	<u>Acres.</u>		<u>Number.</u>	<u>Acres.</u>
Alabama	81	6,472	Mississippi	47	3,658
Alaska	84	10,793	Montana	1,692	496,072
Arizona	678	179,368	Nebraska	71	12,718
Arkansas	452	38,929	Nevada	151	39,845
California	1,420	350,543	New Mexico	1,918	692,982
Colorado	1,799	542,253	North Dakota	103	13,199
Florida	318	29,478	Oklahoma	138	13,731
Idaho	631	209,017	Oregon	1,188	246,261
Kansas	45	5,067	South Dakota	332	90,764
Louisiana	38	2,648	Utah	604	206,428
Michigan	44	3,003	Washington	155	28,700
Minnesota	90	5,581	Wisconsin	24	1,158
			Wyoming	1,788	643,657

Circular No. 805.
(Revised.)

PROOFS UPON CLAIMS INITIATED UNDER THE DESERT-LAND LAWS BY INCAPACITATED
SOLDIERS--ACT OF DECEMBER 15, 1921 (42 Stat., 348).

DEPARTMENT OF THE INTERIOR

General Land Office

Washington, D. C.

November 21, 1924.

Registers and Receivers,

United States Land Offices.

Sirs:

The act of December 15, 1921 (42 Stat., 348), amends the act of March 1, 1921 (40 Stat., 1202), by adding the following section.

"Sec. 2. That any entryman under the desert-land laws, or any person entitled to preference right of entry under section 1 of the act approved March 28, 1908 (Thirty-fifth Statutes at Large, page 52), who after application or entry for surveyed lands or legal initiation of claim for unsurveyed lands, and prior to November 11, 1918, enlisted or was actually engaged in the United States Army, Navy, or Marine Corps during the war with Germany, who has been honorably discharged and because of physical incapacities due to service is unable to accomplish reclamation of and payment for the land, may make proof without further reclamation thereof or payments thereon under such rules and regulations as may be prescribed by the Secretary of the Interior and receive patent for the land by him so entered or claimed, if found entitled thereto: Provided, That no such patent shall issue prior to the survey of the land."

The purpose of the amendment is to relieve from further compliance with the requirements of the desert-land law those persons physically incapacitated, as set forth therein, except as to submission of specified proofs.

2. The benefits of this amendment extend to persons who, prior to November 11, 1918, and during the war with Germany, were actually engaged in the United States Army, Navy, or Marine Corps, regardless of the date of their enlistment, provided they entered the service after having filed an effective desert-land application or made a desert-land entry for surveyed lands, or acquired a preference right to make entry under the desert-land laws of unsurveyed land, or took a desert-land entry by assignment, and who, having been honorably discharged, are unable to accomplish reclamation of and make payment for the land on account of physical disabilities due to such service.

3. If the land is unsurveyed and entry is not yet allowable, a claimant having a preference right of entry should file his application therefor on Form 4-274, accompanied by his sworn statement, corroborated by two persons having personal knowledge of the facts, setting forth in detail the date when he took possession of the land and what acts he performed thereon touching the matter of its reclamation and improvement. You will assign to the application the current serial number. Final proof may be submitted and accepted, but the final certificate will not issue until entry shall have been lawfully allowed, and adjustment to legal subdivisions made according to an approved survey.

4. Notice of intention to submit proof must be given in the usual manner by posting and publication; and in case of unsurveyed land, the notice of intention to submit proof must be posted thereon in a conspicuous place, and affidavit evidence must be filed showing such posting.

5. The proof shall consist (a) of affidavit of the claimant (taken before any officer at any place who is authorized to administer oaths and who uses an impression seal), showing that he is unable to return to the land on account of physical incapacity due to service in the United States Army, Navy, or Marine Corps during the war with Germany, and describing the nature and extent of such disability; (b) of the testimony of two witnesses taken in similar manner corroborating the statements in that regard and of these witnesses at least one must be a practicing physician; (c) of a certified copy of his discharge from the Army, Navy, or Marine Corps, or an affidavit showing all the facts regarding his service and discharge. In each case the facts will be verified so far as possible from the records of the War Department.

6. No payment of moneys will be required in connection with any application made, or proofs offered, other than testimony fees, when the testimony is taken before the register or receiver.

7. Where the proof appears satisfactory, and entry for the land has already been allowed, the register will issue the final certificate if there is no objection disclosed by the records. In cases where entry has not yet been allowed, all the papers will be forwarded to the General Land Office for consideration.

Very respectfully,

Approved: November 21, 1924.

E. C. FINNEY,
First Assistant Secretary.

WILLIAM SPRY,

Commissioner.

Circular No. 954.

EXTENSION OF TIME TO MAKE PAYMENT.

FORT ASSINNIBOINE ABANDONED MILITARY RESERVATION.

DEPARTMENT OF THE INTERIOR
General Land Office
Washington

July 22, 1924.

Register and Receiver,
Havre, Montana.

Gentlemen:

Public Resolution No. 29 entitled "Joint Resolution Providing an extension of time for payment by entrymen of lands on the Fort Assinniboine Abandoned Military Reservation in the State of Montana, which was approved June 7, 1924, reads as follows:

"That the act of January 6, 1921 (Forty-first Statutes at Large, page 1086), providing additional time for the payment of purchase money under homestead entries within the former Fort Assinniboine Military Reservation, in Montana, be, and the same is hereby, amended so as to authorize extensions of time from year to year for the payment of all unpaid principal upon the payment of interest thereon in advance at the rate specified in the said act, for not to exceed ten years from date of entry."

The said act applies to the lands in the Fort Assinniboine Abandoned Military Reservation, which was opened to entry on November 15, 1916, under the act of February 11, 1915 (38 Stat., 807).

The act of January 6, 1921 (41 Stat., 1086), and regulations thereunder, Circular 739 (48 L. D., 35) provided for an extension of time to make payment for one year by paying interest at 5 per cent per annum on the unpaid installments due before the date of the act. The unpaid installment due within the year subsequent to the date of the act could be extended for one year by paying interest thereon as above. The installments above extended could be further extended for a period of one year in like manner in the discretion of the Secretary of the Interior.

Circular No. 899 suspended action on the meritorious cases where entrymen were unable to make payment for not exceeding one year, pending action by Congress, and Circular 914 issued February 8, 1924, allowed extensions of time to make payment of installments due until December 31, 1924. The circulars required that the entrymen file affidavits corroborated

by two other persons showing the reason why payment was not made. Interest was not required to be paid in the case of extensions of time to make payment granted under the said circulars.

The above act of January 6, 1921 and Circular 739 were amended by this act so that the extensions may be granted from year to year, though not for more than one year at a time, and extensions are limited to 10 years from the date of entry. Entry men desiring an extension of time under this act should apply therefor and accompany the application with the required amount of interest at the rate of 5 per cent per annum, on the unpaid installments. You will grant the extensions when the interest required is paid, and note on the records, period of extension and that the interest was paid in conformity with this act. Forward the application to this office. Interest will not be collected on any installment for the period it was extended under the above circulars Nos. 899 and 914.

Very respectfully,

WILLIAM SPRY,

Commissioner.

Approved: July 22, 1924.

E. C. FINNEY,

First Assistant Secretary.

Circular No. 965.

ACCOUNTS:--Purchases on orders placed through
General Supply Committee.

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DEPARTMENT OF THE INTERIOR

General Land Office

Washington

November 13, 1924.

United States Surveyors General,
Assistant Supervisors of Surveys,
Chiefs of Field Divisions, and
Special Disbursing Agents.

Sirs:

The fact that tires, tubes, or other supplies or equipment may be purchased on orders placed through the General Supply Committee does not change the manner in which payment should be made nor the appropriation or allotment chargeable.

Therefore, whenever a voucher is received from a contractor covering supplies ordered through this office and received by the certifying officer from such contractor, he should insert in the certificate as to the manner of purchase "General Supply Contract," cite this circular as authority, certify the voucher, and forward it promptly through the usual channels for payment by the surveyor general or special disbursing agent.

Very respectfully,

WILLIAM SPRY,

Commissioner.

Circular No. 966.

INSTRUCTIONS UNDER CIRCULARS NO. 929 and NO. 939.

DEPARTMENT OF THE INTERIOR

General Land Office

Washington

November 13, 1924.

Registers and Receivers,

United States Land Offices.

Gentlemen:

Referring to Circular No. 929, entitled "Notation of Cancellation of Oil and Gas Permits," approved April 23, 1924, and amended Circular No. 939, approved May 28, 1924, you are further instructed as follows:

1. Where the cancellation of more than one permit becomes effective on the same day the land will be opened to applications for permits without regard to the particular areas embraced in each of the canceled permits; and where, in such cases, drawings are required, all allowable applications filed within the prescribed time for the areas opened should be included in a single drawing.

2. Where drawings are held, you will follow the procedure laid down by paragraph 4 of circular of May 22, 1914 (43 L. D., 254). You will issue your official receipt for the fees paid by each applicant, but apply only the fees paid by the successful applicants, returning by your official check the fees paid by the unsuccessful applicants, noting on the abstract of moneys returned or applied, opposite the check number, the word "drawing." Also note on the oil and gas applications the word "drawing" and the date, amount, and number of the check.

At the completion of a drawing, furnish this office a list of the applications involved therein, showing: (1) date of drawing, (2) description of the land involved, (3) names of successful applicants and serial numbers of applications, and (4) names of unsuccessful applicants and serial numbers of their applications.

Very respectfully,

Approved: November 13, 1924.

WILLIAM SPRY,

E. C. FINNEY,

Commissioner.

First Assistant Secretary.

RECENT DECISIONS OF THE COURTS
and the
DEPARTMENT.

Public Water--Water District.--The California statute of June 10, 1913, providing for annexation of portions of a county or municipality, to county water district "upon petition presented in the manner herein provided" in view of provision for notice to property owners and hearings of objections does not deny due process by omitting such hearing, since a statute must be construed as a whole.

Constitutional Law--Construction.--A statute susceptible of two constructions, one consistent and one inconsistent with constitutional restrictions must be construed to harmonize with the constitution.

San Gabriel County Water District v. Richardson, 228 Pacific Reporter, 1055.

Railroad Grant--Classification Act.--In a classification of unsurveyed land under the act of February 26, 1895, its description by the examiner by giving it a section number, held sufficient, where it was within a mile of surveyed land, by reference to which the number of the section, when survey was made, could be known.

Final Classification--Res Judicata.--A final classification of land as nonmineral by the Interior Department and issuance of patent therefor, in accordance with such classification in orderly course and after due notice, is conclusive on those claiming mineral rights therein.

Mineral Lands--Definition.--The criterion for determining whether public lands should be classified as "mineral lands" is whether the land at the vital time is known to contain mineral in quality and quantity reasonably inspiring the average man to believe that expenditure in development is justified, in that it is reasonably probable that such minerals will be found to return reasonable profits on the investment.

United States v. Northern Pacific Railway Co.
Vol. 1 (2d) Federal Reporter, page 63.

Indian Allotment--Restricted Alienation.--The imposition of restrictions upon the sale of land purchased for an Indian ward, with funds arising from the sale of other lands originally subject to a like restriction, is within the authority of the Secretary of the Interior; and is no invasion or interference with the authority of the State to regulate the transfer of land within its boundaries.

J. W. Sunderland v. United States.
Supreme Court of the United States.
November 17, 1924.

Lien--Foreclosure Suits--Necessary Parties.--In a suit in equity to foreclose a lien necessary parties are those who have such an interest in the matter in controversy that it could not be determined without either affecting that interest or leaving the interests of those who were before the court in a situation that might be embarrassing and inconsistent with equity.

Carey Act--Water Right Contracts Between Construction Company and Settlers.--Under the Carey Act and acts amendatory thereto and the legislation of the State of Idaho accepting the conditions of that act and providing for their performance a corporation entered into a contract with the State undertaking to build irrigation works for the reclamation of certain lands, and as compensation therefor was given the authority to sell separate water right contracts to individual settlers on said lands (not exceeding in the aggregate the capacity of the irrigation works or the available water supply) and to retain a lien on such water right contracts and on the lands to secure deferred payments on the purchase price. The water supply proved insufficient for all the land and some of the settlers failed to make payments as required by their contracts. In an equity suit brought by the trustee for the holders of the bonds of the corporation against two of these settlers to foreclose the liens given by their water right contracts, the court held that the water right contracts while several in form were interdependent in substance and operation being tied together by the contract between the State and the company and by what they purported to do and that all the holders of such water right contracts were therefore necessary parties to the suit.

Carey Act--Reclamation--Lien.--According to the Carey Act a tract is not reclaimed until "an ample supply of water is actually furnished" for its irrigation and cultivation; and only when it is reclaimed can it be charged with a lien for the cost of water rights.

Carey Act--Lien--Equity Suit--Necessary Parties.--A bill in equity which proceeds on the theory that the amount of the lien intended by the Carey Act is to be determined by distributing the total actual outlay for irrigation works, etc., with reasonable interest thereon, over all the reclaimed lands on an acreage basis, involves the determination of the total outlay and of the area reclaimed, and these are questions that should be determined once for all and in which every water right contract holder has an interest which will be affected by the determination however made, and a just determination can only be had in a proceeding to which all are parties.

(Supreme Court of the United States):

Commonwealth Trust Company of Pittsburgh
v. Smith, decided November 17, 1924.
Mr. Justice Van Devanter delivering the
opinion of the court.

Navigable Waters--Island in Stream.--In Arkansas high water mark is boundary of riparian owner, and bed from that point to thread of stream belongs to State, and island which rises from bed of Arkansas side of Mississippi River belongs to the State.

Windor v. Griffin.
1 F. (2d) 224.

Cultivation--Enlarged Homestead--Stock-Raising Homestead--Secretary of the Interior--Supervisory Authority.--A change in departmental regulations whereunder it is imperative to deny an application for the reduction of the required area of cultivation which could have been granted under the previously existing regulations, is a function within the authority of the Secretary of the Interior conferred by the three-year homestead act, and does not deprive the applicant of any statutory right.

Mary T. Jurgens; decided July 30, 1924,
by First Assistant Secretary Finney.

Timber Cutting--Right of Way--Statutes.--While the act of March 4, 1911, which grants rights of way over the public lands for telephone, telegraph, and transmission lines does not expressly authorize the cutting of timber from a right of way, yet such right must be implied as a necessary incident to the right of use and occupancy of the easement.

Timber Cutting--Right of Way--Damages--Words and Phrases.--The term "full value," as used in the departmental regulations of January 6, 1913, relating to payment for timber cut on public lands in the construction, maintenance, and operation of lines for which rights of way are granted pursuant to the act of March 4, 1911, is to be construed as meaning the entire stumpage value of the standing trees.

Timber Cutting--Right of Way--Payment.--Moneys paid by grantees under the act of March 4, 1911, for timber cut from their rights of way should be deposited in the Treasury as funds arising from the sale of public lands and not to the "account of depredations upon public lands".

Timber Cutting--Right of Way--Payment.--A grantee under the act of March 4, 1911, who cuts timber from lands within its right of way necessary for the construction and operation of the line becomes, upon payment for the timber, the owner thereof with full authority to dispose of it as it chooses.

Instructions of August 9, 1924, by
First Assistant Secretary Finney.

Stock-Raising Homestead--Amendment--Occupancy--Secretary of the Interior--Supervisory Authority.--The Secretary of the Interior may, in the exercise of his supervisory authority, permit a stock-raising homestead entry to be amended so as to embrace land wholly different from that originally entered, where it is satisfactorily shown that, through no fault of the entryman, the land is so far unfit for occupancy as to render it practically impossible to comply with the law relating thereto.

Departmental Decision Cited and Applied.--Case of Loyd Wilson (48 L. D., 380), cited and applied.

Fred C. Barron; decided August 2, 1924,
by First Assistant Secretary Finney.

Stock-raising Homestead--Improvements--Final Proof--Contest.--Failure to comply with the provision in the third proviso to section 3 of the stock-raising homestead act, specifying that at least one-half of the required improvements shall be placed upon the entry within three years from the making thereof, while a sufficient ground of contest, yet, in and of itself, will not be held such a default that the Department must upon its own initiative cancel the entry.

Stock-raising Homestead--Improvements--Final Proof.--Where at the time of submission of final proof upon a stock-raising homestead entry improvements to the extent of \$1.25 per acre had not been placed upon the land, and ample time remained within the statutory life of the entry to make the required improvements, withdrawal of the proof may be allowed and the entry permitted to remain intact, subject to the submission of new proof, at the proper time.

Albert T. Hall; decided August 11, 1924,
by First Assistant Secretary Finney.

Oil and Gas Lands--Prospecting Permit--Agent--Diligence.--So long as an oil and gas permit stands in the name of a permittee, he alone is responsible to the department for compliance with its drilling requirements, and if his operating agent, or his drilling contractor, is not complying with the terms of the permit, it duly devolves upon the permittee to enforce such compliance, and his diligence will be tested by his efforts in that direction.

Oil and Gas Lands--Prospecting Permit--Agent--Diligence--Extension of Time.--A permittee who enters into a contract with a drilling contractor in terms which preclude him from enforcing drilling within the time prescribed in the permit, will not be granted an extension of time within which to commence drilling on the plea that lack of diligence should be attributed to the contractor and not to the permittee.

Oil and Gas Lands--Prospecting Permit--Extension of Time.--A drilling contract made contingent upon the success of, or to follow a test well to be drilled elsewhere on a structure, is not such a contribution to the test as to warrant an extension of time under the act of January 11, 1922.

Armstrong v. McHanna (on rehearing);
decided August 11, 1924, by First
Assistant Secretary Finney.

Homestead Entry-Additional--Adjoining Farm.--An adjoining farm entry for less than 160 acres is a proper basis for an additional entry under section 2 of the act of April 28, 1904, for an amount of land which added to the area of land embraced in the adjoining farm entry will not exceed 160 acres.

Departmental Decision Cited and Applied--Departmental Decision Overruled.--Case of Sarah E. Crow (42 L. D., 313), cited and applied; case of Jasper N. Wilkerson (41 L. D., 138), overruled.

Royal L. Pelts; decided August 14, 1924,
by First Assistant Secretary Finney.

Survey--Oil and Gas Lands--Prospecting Permit.--Where an oil and gas prospecting permit is issued for unsurveyed lands, the survey required by section 14 of the leasing act, when discovery is made, need not conform strictly to the rectangular surveys adopted under the general laws governing public-land surveys, but may be so made as to preserve the exterior boundaries of the claim.

Survey--Secretary of the Interior--Oil and Gas Lands--Prospecting Permit--Lease.--The provision in section 14 of the act of February 25, 1920, that unsurveyed lands covered by a prospecting permit be surveyed at the expense of the permittee before a lease is awarded as a result of a discovery of oil or gas, authorizes the Secretary of the Interior to prescribe rules and regulations to govern the making of such surveys without regard to the general laws under which public-land surveys are made.

Standard Oil Company, Assignee of Lee;
decided August 19, 1924, by First Assistant
Secretary Finney.

Repayment--Timber and Stone--Coal Lands--Withdrawal.--The allowance of a timber and stone entry for land subsequently withdrawn under the act of June 22, 1910, for its coal contents, is not an erroneous allowance within the purview of section 2 of the repayment act of June 16, 1880, where the entry, allowed upon the strength of a sworn statement that the land was chiefly valuable for its timber, was canceled because the land was found to be more valuable for grazing purposes.

Departmental Decision Cited and Applied.--Case of Olive M. Harrison (50 L. D., 418), cited and applied.

George McNally; decided August 25, 1924,
by First Assistant Secretary Finney.

Oil and Gas Lands--Prospecting Permit--Lease--Statutes.--Section 27 of the leasing act was designed to prevent monopolies of geologic structures and excessive holdings within any one State by any person, association, or corporation.

Oil and Gas Lands--Lease--Statutes.--Section 18 of the leasing act was only intended to afford relief to a class of claimants whose claims were initiated under preexisting laws, such relief to be personal, not to enlarge the rights of persons who had spent nothing until after the leasing act had been enacted and the original claimants had been awarded the leases.

Oil and Gas Lands--Lease--Statutes.--The provision in section 27 of the leasing act that nothing therein should be construed to limit section 18 thereof contemplated that the limitation in said section 27 as to the number of leases that might be acquired directly to three leases in a State should not prevent a qualified claimant under section 18 from acquiring a larger number of leases so long as such number does not exceed in the aggregate an area of 3,200 acres.

Oil and Gas Lands--Lease--Assignment--Statutes.--The proviso to section 27 of the leasing act has reference solely to limitations upon qualified claimants under section 18 of that act and not to their assignees.

Midland Oilfields Company, Ltd.; decided
August 20, 1924, by First Assistant Secretary Finney.

Oil and Gas Lands--Prospecting Permit--Mineral Lands--Mining Claim.--The granting of an oil and gas prospecting permit precludes, as long as the permit is in force, the appropriation of the land for metalliferous minerals under the United States mining laws.

Patent--Reservation--Land Department--Oil and Gas Lands--Mineral Lands.--The fact that an applicant for a patent to public land consents to the insertion of a reservation in the patent does not authorize the Land Department, in the absence of a statute prescribing it, to incorporate such reservation therein.

Joseph E. McClory et al.; decided August
22, 1924, by First Assistant Secretary Finney.

Stock-Raising Homestead--Additional--Application--Survey.--One who has filed a complete application to make a homestead entry which is held suspended pending a segregation survey is entitled to make an additional stock-raising homestead entry.

Departmental Decision Cited and Applied.--Case of Rippey v. Snowden (47 L. D., 321), cited and applied.

Rudolph Balke; decided September 10, 1924,
by Assistant Secretary Goodwin.

Homestead Entry-Stock-Raising Homestead--Payment--Act of January 27, 1922.--The act of January 27, 1922, does not authorize the Secretary of the Interior to permit one to select and transfer payment to 640 acres designated under the stock-raising homestead act in exchange of an entry made under section 2289, Revised Statutes, for 160 acres.

Armstrong Live Stock Company; decided September 14, 1924, by Assistant Secretary Goodwin.

Practice--Contest--Witnesses--Costs--Oil and Gas Lands--Prospecting Permit.--The assessment of costs in protest proceedings against oil and gas permits is to be governed by the second sentence of Rule 53 of Practice, which specifies that each party shall bear his proportionate share in the examination and cross-examination of witnesses.

Practice--Oil and Gas Lands--Prospecting Permit--Preference Right--Intervention.--Inasmuch as a protestant against an oil and gas permit occupies merely the position of an informant without a preference right, the department may allow later protestants to appear and participate in the proceedings, even though the protestant first in time prosecutes his protest.

Allen E. Sedgwick; decided September 17, 1924, by Assistant Secretary Goodwin.

Oil and Gas Lands--Prospecting Permit--Lease--Assignment.--The restrictions of section 27 of the act of February 25, 1920, as to the number of leases or permits that may be held by one person upon a geological structure and to the limit of acreage that may be acquired in leases and permits, while not applicable to persons entitled to relief under section 19 of that act, nevertheless apply to transferees or assignees of prospecting permits or leases issued under the latter section.

Prior Departmental Instructions Vacated.--Instructions of April 23, 1921 (48 L. D., 96), vacated.

Kanawha Oil and Gas Company, Assignee of Jones; decided September 23, 1924, by First Assistant Secretary Finney.

Homestead Entry--Contiguity--Act of January 27, 1922.--An exchange of entry under the act of January 27, 1922, may be allowed for two or more incontiguous tracts subject to entry provided that none of the tracts is part of an area approximately equal to that embraced in the canceled entry.

Homestead Entry--Application--Practice--Act of January 27, 1922.--An applicant for relief under the act of January 27, 1922, must exhaust his claim in one application unless the lands applied for lie in two land districts, in which event the practice will be in accordance with instructions of September 22, 1916 (45 L. D., 486).

Armstrong Live Stock Company (on rehearing);
decided November 28, 1924, by First Assistant
Secretary Finney.

SCHOOL LAND GRANT--MINERAL INDEMNITY.

DEPARTMENT OF THE INTERIOR
Washington

November 11, 1924.

The Commissioner
of the General Land Office.

Dear Mr. Commissioner:

Reference is made to your letter of September 27, 1924, recommending recognition of the right of the various States to satisfy their school grants by selection of the granted sections of land in place, subject to the reservations contained in the acts of June 22, 1910 (36 Stat., 583), April 30, 1912 (37 Stat., 105), and July 17, 1914 (38 Stat., 509), where such sections are known to be mineral, of the character defined in those acts at the time the right of the State to such sections would otherwise attach; and that in selecting such section as indemnity, the State may use the same section as base.

In the grants to the States for school purposes, certain designated survey numbers of sections were mentioned, usually section 16 or 36, or both, and in some cases other designated sections. Such sections, however, do not pass to the State if known to contain mineral at the time when the grant would otherwise attach.

In order to indemnify the grant for such loss, provision was made for selection of other lands in lieu thereof. Originally, the right to select indemnity lands did not extend to tracts containing mineral, but in the acts above referred to provision was made whereby States are permitted to select lands containing coal, oil, or other minerals specified therein, subject to reservation of such mineral deposits to the United States.

The Department has heretofore recognized the right of a State to select tracts in the designated sections as indemnity, subject to such reservation, where they were lost to the grant, as sections in place on account of their mineral character. See State of Utah v. Olson (47 L. D., 58, 65).

In making such selection it is wholly immaterial whether the self same section selected be used as base or some other of the designated sections likewise lost as place lands. While such procedure seems to partake somewhat of the appearance of excessive formality, yet there is no authority under existing law whereby the grant may be made effective to any extent in any other manner as to mineral lands in the designated sections.

This is to confirm your view as to the propriety of the procedure outlined above.

Very truly yours,

E. C. FINNEY,

First Assistant Secretary.

Circular No. 967.

APPLICATIONS UNDER ACT OF JANUARY 27, 1922 (42 Stat., 359).

DEPARTMENT OF THE INTERIOR
General Land Office
Washington

December 3, 1924.

Registers and Receivers,

United States Land Offices.

Gentlemen:

Under date of December 2, 1924, the Secretary of the Interior issued the following Administrative Ruling:

The act approved January 27, 1922 (42 Stat., 359), provides that in all cases where a final entry of public lands has been or may be hereafter canceled, and such entry is held by the Land Department or by a court of competent jurisdiction to have been confirmed under the proviso to section 7 of the act of March 3, 1891 (26 Stat., 1099), if the land has been disposed of to or appropriated by a claimant under the homestead or desert-land laws, or patented to a claimant under other public-land laws, the

Secretary of the Interior is authorized, in his discretion, and under rules to be prescribed by him, to change the entry and transfer the payment to any other tract of surveyed public land, non-mineral in character, free from lawful claim, and otherwise subject to general disposition, provided that the entryman, his heirs, or assigns shall file a relinquishment of all right, title, and interest in and to the land originally entered. The act contains an inhibition against assigning or transferring any right or claim under the provisions of the act.

The debates in Congress when the measure was pending indicate that the object of the act was to afford protection to those persons who had entered the land after the cancellation of an entry as the result of proceedings instituted more than two years after the issuance of the receiver's receipt on final entry. In view of which, and of the discretion vested in the Secretary of the Interior by the act, and considering, also, that beneficiaries have had almost three years within which to present their claims, all applications thereunder filed after the date hereof will be treated as stale claims and rejected unless it appears that the statute of limitations of the State wherein the entered land is situated does not bar an action by the entryman, his heirs, or assigns to have the present holder of the land declared a trustee thereof.

Applications under the act involving two or more contiguous tracts will not be approved unless none of the tracts is part of an area approximately equal to that embraced in the canceled entry, and subject to entry.

One application under the act, even if for an area less than that to which the claimant is entitled, exhausts his rights under the act.

Very respectfully,

WILLIAM SPRY.

Commissioner.

DISCOVERY OF CAVE IN PARK COUNTY, COLORADO.

Through an executive order just issued 320 acres of the public domain located in Park County, Colorado, has been temporarily withdrawn from homestead entry and settlement as a result of the discovery of a natural cave within the area.

This cave while it has not been fully explored has been found to possess scenic attraction of more than local interest. Records of the Interior Department show that 200 acres of the tract are embraced in an abandoned homestead entry, while the remainder has been withdrawn for stock driveway purposes.

In recommending to the President the temporary withdrawal of the tract the Secretary of the Interior announced that an examination would be made of the cave to determine whether it has sufficient scenic quality to be reserved as a national monument or as a national recreational area.

The newly discovered cave is located within 28 miles of the town of Fairplay, Colorado.

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SUMMARY OF ACCOMPLISHMENTS IN THE GENERAL LAND OFFICE DURING THE FOUR FISCAL YEARS ENDING JUNE 30, 1924.

The special function of the General Land Office is the survey and disposition of the public lands of the United States, under the supervision of the Secretary of the Interior, in accordance with the many statutes authorizing such action; and the diligence of this office in the discharge of its duties, during the four fiscal years ending June 30, 1924, may be measured by the brief summary that follows:

1. Approved and accepted the field work of surveys and resurveys involving an aggregate of 25,108,288 acres, an essential prerequisite to the appropriation of this acreage under the public land laws.
2. Entered and allowed during this period 36,978,196 acres of public and Indian lands, an acreage exceeding in amount the entire area of the State of Illinois.
3. Patented 41,244,484 acres of public lands that thus entered into private ownership and became subject to taxation; an area exceeding that of the two States Wisconsin and New Jersey. Of the acreage thus patented, 29,646,147 acres were patented under the homestead laws.
4. Collected and deposited in the United States Treasury, from the sale of public lands and kindred sources during this period, an aggregate of \$53,366,344.84.
5. Patented 955,367 acres under the desert-land law, which provides for the reclamation by artificial irrigation of arid lands that will not in their natural condition produce agricultural returns.

6. Issued patents conveying title in fee for 1,209,125 acres to Indians found competent to assume charge of their own affairs, or where a sale by the original patentee has been approved by the Department.

7. Approved and certified to the several States entitled thereto under grants made by Congress in aid of public schools and for other purposes, 3,079,998 acres of public lands.

8. Certified and patented 5,765,314 acres under grants made to aid in the construction of railroads and wagon roads.

9. Sold the timber in accordance with the act of June 9, 1916, on 32,659 acres of Oregon and California revested grant lands, for which the sum of \$1,434,865.21 was received.

10. Sold the timber on 4,926 acres of land formerly embraced within the Coos Bay Wagon Road Grant, and reconveyed to the United States by the act of February 26, 1919, for which the sum of \$456,396.08 was received.

11. Issued 650 coal prospecting permits under the mineral leasing act for an aggregate of 637,098 acres.

12. Awarded 162 coal leases under the mineral leasing act for 67,236 acres.

13. Issued 16,239 oil and gas prospecting permits under the mineral leasing act.

14. Awarded 396 oil and gas leases under the mineral leasing act for an aggregate area of 62,535 acres.

15. Collected as receipts under the mineral leasing act from public lands outside of the naval reserves, \$34,866,857; of this amount \$11,941,171.41 was paid to the several States within which the mineral was produced, and \$19,422,126.99 was paid into the reclamation fund.

16. Decided 3,347 litigated cases involving disputed titles asserted by adverse claimants under the public land laws.

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TOWNSITE OF HEYBURN.

Sale of 10 blocks of land in the townsite of Heyburn, Idaho, has been authorized by the Secretary of the Interior on the recommendations of the Commissioner of Reclamation and the Commissioner of the General Land Office.

A public auction will be held at the townsite on December 16, 1924, to dispose of the blocks. It will be conducted by the chief clerk of the Reclamation Bureau located at Burley, Idaho.

Heyburn townsite is located within the limits of the Minidoka reclamation project. The tracts of land to be offered for sale have been surveyed and divided into blocks ranging in size from about one-half acre to three acres.

A board of appraisers was recently appointed to fix a value on the various blocks prior to the auction sale.

EXCHANGE OF LANDS IN UTAH FOR
LANDS IN UTAH NATIONAL PARK AND ZION NATIONAL PARK.

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DEPARTMENT OF THE INTERIOR

General Land Office

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Washington

November 10, 1924.

Chief of Field Division,
Salt Lake City, Utah.

Superintendent of Utah National Park
and Zion National Park, Springdale, Utah.

Registers and Receivers,
United States Land Offices, Utah.

Gentlemen:

The act of June 7, 1924 (Public No. 227), entitled, "An act to establish the Utah National Park in the State of Utah," reads as follows:

"That there is hereby reserved and withdrawn from settlement, occupancy, or disposal under the laws of the United States and dedicated and set apart as a public park for the benefit and enjoyment of the people, under the name of the "Utah National Park," the tract of land in the State of Utah particularly described by and included within metes and bounds, as follows, to wit:

"Unsurveyed sections 31 and 32, township 36 south, range 3 west; surveyed section 36, township 36 south, range 4 west; north half, southwest quarter and west half of the southeast quarter of partially surveyed section 5; unsurveyed sections 6 and 7, west half, west half of the northeast quarter, and west half of the southwest quarter of partially surveyed section 8, partially surveyed section 17 and unsurveyed section 18, township 37 south, range 3 west; and unsurveyed sections 1, 12, and 13, township 37 south, range 4, all west of the Salt Lake Meridian, in the State of Utah; Provided, That all the land within the exterior boundaries of the aforesaid tract shall first become the property of the United States.

Sec. 2. "That the administration, protection, and promotion of said Utah National Park shall be exercised under the direction of the Secretary of the Interior by the National Park Service, subject to the provisions of the act of August 25, 1916, entitled 'An Act to establish a National Park Service, and for other purposes.'

Sec. 3. "That nothing herein contained shall affect any valid existing claim, location, or entry under the land laws of the United States, whether for homestead, mineral, right of way, or any other purposes whatsoever, or shall affect the rights of any such claimant, locator, or entryman to the full use and enjoyment of his land: Provided, That the Secretary of the Interior is hereby authorized to exchange, in his discretion, alienated lands in this and Zion National Park for unappropriated and unreserved public lands of equal value and approximately equal area in the State of Utah outside of said parks."

Applications.--Applications for an exchange under the act must be filed in the local land office having jurisdiction over the land selected, the application describing the land to be conveyed as well as the land selected, according to Government subdivisions. Nothing less than a legal subdivision may be surrendered or selected. The selected land must be entirely within the State of Utah. Selections must be made by the owner of the land relinquished or in his name by a duly authorized agent or attorney in fact, and when made by an agent or attorney in fact proof of authority must be furnished. The application must be accompanied by the necessary relinquishment, abstract of title, affidavits, and fees, as set forth in Circular No. 863, dated October 28, 1922, entitled: "Consolidation of National Forests," and you will be governed thereby in acting on the applications, noting on your records that the selection is made under the act of June 7, 1924 (Public No. 227).

Action by Register and Receiver.--If a selection appears regular and in conformity with the law and these regulations the selection will be referred by the register and receiver to the Chief of Field Division for field examination of both the selected and the base lands to determine whether or not their value is equal within the meaning of this act, with reference to their characteristics as mineral, prairie, grazing, agricultural, timber, desert land or otherwise, as the case may be, and to submit report with specific recommendation. A representative of the Field Division will cooperate with a representative of the Superintendent of the Utah National Park and Zion National Park in the examination and valuation of the base lands within the Utah National Park and Zion National Park. Should the report of the Chief of Field Division be adverse to the applicant opportunity will be given the party in interest to amend his application to conform with the recommendation of the Field Division by the register and receiver of the United States land office in which the application was filed.

Publication of Notice.--If the Chief of Field Division recommends the approval of the exchange and the selection appears regular and in conformity with the law and these regulations, the register and receiver will notify the applicant and require him, within thirty days from receipt of notice, to begin publication of notice of his application in accordance with said Circular No. 863, and in due time to submit proof thereof.

Protests.--Protests will be disposed of as provided in said Circular No. 863.

Action on the Application.--Should no objections appear on your records, you will certify the condition of the record on the application and will promptly transmit the original application and accompanying papers to this office by special letter.

Upon receipt of an application in the General Land Office the same will be examined at as early a date as practicable and if found defective an opportunity will be given the parties in interest to cure the defects, if possible. If the selection appears regular and in conformity with the law and these regulations the selection, with the report, will, in the absence of objections, be transmitted to the Secretary of the Interior with appropriate recommendation.

If the Secretary decides that the application should be allowed, the applicant will be required to have his relinquishment recorded in the manner prescribed by the laws of the State of Utah and to have the abstract of title extended down to and including the date the deed or relinquishment or conveyance was recorded.

If the Secretary be of the opinion that further evidence as to value and character of land involved is necessary, he may institute such inquiry as he may deem advisable.

The Secretary of the Interior may, in the exercise of his discretion, withhold his approval from any application made under the provisions of this act although the applicant may have complied with the rules and regulations herein prescribed.

Very respectfully,

S. V. PROUDFIT,

Acting Assistant Commissioner.

Concurring:

ARNO B. CAMMERER,

Acting Director, National Park Service.

Approved: November 10, 1924.

E. C. FINNEY,

First Assistant Secretary.

DEPARTMENT OF THE INTERIOR
General Land Office
Washington

1078291

PUBLIC LANDS RESTORED TO HOMESTEAD ENTRY AND OTHER DISPOSITION
BY PROCLAMATION, EXECUTIVE OR DEPARTMENTAL ORDER.

Preference Rights to Ex-Service Men of the War with Germany.

General Method of Opening:

By virtue of Public Resolution No. 29, of February 14, 1920 (41 Stat., 434), as amended by Public Resolutions Nos. 36 and 79, approved January 21 and December 28, 1922, respectively, hereafter and until February 15, 1930, when any surveyed lands within the provisions of the public resolutions are opened or restored to disposition under the authority of the Department, such lands, unless otherwise provided in the order of restoration, shall become subject to appropriation under the laws applicable thereto in the following manner, and not otherwise:

Lands not affected by the preference rights conferred by the acts of August 18, 1894 (28 Stat., 394), or June 11, 1906 (34 Stat., 233), or February 14, 1920 (41 Stat., 407), will be subject to entry by soldiers under the homestead and desert-land laws, where both of said laws are applicable, or under the homestead law only, as the case may be, for a period of 91 days, beginning with the date of the filing of the township plat in the case of surveys or resurveys, and with the date specified in the order of restoration in all other cases, and thereafter to disposition under all of the public land laws, applicable thereto, except where homestead entrymen are granted a prior preference period under the order. For a period of 20 days and for a like period prior to the date or dates such lands become subject to entry by the general public, soldiers in the first instance, and qualified applicants in the second, may execute and file their applications, and all such applications presented within such 20-day periods, together with those offered at 9 o'clock a. m., standard time, on the dates such lands become subject to appropriation under such applications, shall be treated as filed simultaneously.

Unsurveyed lands are not subject to homestead or desert-land entry. A homestead entry may embrace 160 acres, or an approximation thereof, and where the lands are of the character contemplated by the 320 or 640 acres homestead acts, applications for the unappropriated lands may be filed by qualified persons, under either of said acts; accompanied by proper petitions, if undesignated, for the designation of lands thereunder, and such applications will be suspended pending determination as to the character of such lands.

The following are restorations or openings which will occur in the near future and concerning which further information may be obtained from the local offices:

(465)

FLORIDA: LAND IN FLORIDA RESTORED FROM WITHDRAWAL.

The lands in Ts. 36, 37, and 38 S., Rs. 29 and 30 E., Tal. M., in the State of Florida withdrawn by Executive Order No. 3105 on June 30, 1919, and not utilized in the final adjustment made under the provisions of the act of October 31, 1919 (41 Stat., 325), will, subject to valid rights and existing phosphate withdrawals, be open to homestead entry under the homestead laws, at the United States land office at Gainesville, Florida, by ex-service men of the war with Germany for a period of 91 days, beginning December 26, 1924. On and after March 27, 1925 any unentered legal subdivision of such land will be subject to appropriation by the general public under any applicable public land law.

The acreage, which has not been ascertained, is very small.

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(466)

NEW MEXICO: FROM STOCK DRIVEWAY WITHDRAWAL.

Three hundred and twenty acres in San Juan County, Santa Fe land district, open to entry only by ex-service men of the war with Germany, under the applicable homestead or desert-land laws for a period of 91 days, beginning December 3, 1924. The tract is subject to surface agricultural entry only as it is withdrawn for coal classification and 160 acres thereof is included in a permit to prospect for oil and gas, under the mineral leasing law. Applications of ex-service men may be presented at any time within the 20 days prior to the above-mentioned day. On and after March 5, 1925, the tract, if unentered, will be subject to appropriation under any applicable public land law by the general public.

The land is released from stock driveway withdrawal, and is about 17 miles south of the town of Farmington. Further information relative thereto may be obtained from the local land office at Santa Fe.

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(467)

NEW MEXICO: FROM SUSPENSION.

Three hundred and sixty-one acres in Valencia County, Santa Fe land district, open to entry under the homestead and desert-land laws by ex-service men of the war with Germany for a period of 91 days, beginning December 3, 1924. Filings may be presented within the 20 days prior to that date. On and after March 5, 1925, any of the land remaining unentered will be subject to appropriation under any applicable public land law by the general public.

The area lies along the southeastern boundary of the Casa Colorado grant, is crossed by the Santa Fe Railroad, is rolling grazing land, and the greater portion has been designated as enterable under the enlarged and stock-raising homestead laws.

(468)

NEW MEXICO: LANDS OPENED TO ENTRY AFTER APPROVAL
OF LIEU LANDS TO THE STATE.

The following land within the Las Cruces and Santa Fe land districts will be open to homestead and desert-land entry beginning December 12, 1924, for a period of 91 days to ex-service men of the World War, subject, however, to valid prior settlement rights or equitable claims recognized by existing laws:

Las Cruces Land District.
(New Mexico Principal Meridian.)

<u>Subdivision.</u>	<u>Section.</u>	<u>Township.</u>	<u>Range.</u>	<u>Acres.</u>
SW $\frac{1}{4}$ SE $\frac{1}{4}$,	2	20 S.	12 E.	40
Lots 1, 2, 3,	2	20 S.	13 E.	71.24

Santa Fe Land District.

Lot 4, SE $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$,	2	12 N.	18 W.	157.65
S $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$, Lot 1,	2	12 N.	19 W.	277.02

Filings may be presented during the twenty days preceding that date, or from November 22 to December 11, 1924, inclusive. The land, if remaining unentered after the expiration of the 91 days; that is, beginning March 13, 1925, will be open to appropriation under any applicable public land law.

By the certification of November 14, 1924, to the State of Clear List No. 174, approved November 8, 1924, of indemnity school land selected in lieu of the above-described school section land which was within a national forest at time of selection of indemnity land, but was eliminated from the national forest boundaries after timely completion of the selection, all claim of the State to such school land terminated.

OIL AND GAS ACTIVITIES.

During the month of November the division handling oil and gas permits under sections 13 and 20 of the leasing act received 291 new cases and 1,854 cases for reconsideration, an increase in old cases of 380 over the preceding month. Permits were granted in 280 cases; 140 applications were finally rejected, and 75 were rejected in part; 313 applications were rejected subject to appeal, and 27 were rejected in part subject to appeal; 304 extensions of time acted upon, and 38 assignments disposed of. In 85 cases permits were held for cancellation, and 14 permits were canceled, and 2 were canceled in part. Departmental decisions were rendered in 15 cases affirming this office, 3 reversing, and 2 modifying our decisions. Four hundred and sixty-one applications were examined and reports thereon called for from the Geological Survey and Reclamation Service, and 686 Geological Survey reports were received. Two thousand six hundred letters were written, 231 of which were replies to inquiries.

Under the "relief" sections of the act and other sections providing for the issuance of leases, 2 leases were issued this month, and 6 transmitted to the Secretary for approval; 4 cases were rejected subject to appeal; 3 assignments were acted upon, and 9 extensions of time granted. Department decisions were promulgated in 2 cases, 1 reversing and 1 modifying the action of this office, and miscellaneous action, such as consideration of sales contracts, line drilling agreements, suspension of drilling under the leases granted, applications to consolidate leases and delivering leases for execution, was taken in 15 cases. This section wrote 68 letters, 24 being replies to inquiries. The total number of applications received for reconsideration during the month was 81, an increase over the preceding month of 29.

RECEIPTS UNDER THE MINERAL-LEASING ACT.

Receipts under the mineral-leasing act for the month of October amounted to \$758,920.46, all of which was from lands outside of naval petroleum reserve lands.

CONSOLIDATED WORK REPORT OF LOCAL LAND OFFICES FOR
THE MONTH OF OCTOBER, 1924.

OFFICES.	: Received :			: End of this Month. :		
	: End last Month. :			: disposed of. :		
	Pend- ing :desig- :nation.	Sus- pend- :ed re- :jected:	Pend- ing :un- :acted:	Rec'd. :in :this :month.	Trans- :mitted :to GLO :this :month.	Now :pend- :ing :desig- :ed re- :jected:
Alabama	:	:	:	:	:	:
Montgomery	:	15	:	9	12	12
Arizona	:	:	:	:	:	:
Phoenix	122	172	:	201	189	128
Arkansas	:	:	:	:	:	:
Harrison	:	18	:	57	53	22
Little Rock	:	239	:	78	109	208
California	:	:	:	:	:	:
El Centro	4	39	:	31	29	4
Eureka	52	:	:	18	14	52
Independence	27	63	:	60	44	27
Los Angeles	46	116	:	128	130	46
Sacramento	56	66	:	33	37	51
San Francisco	71	40	:	62	68	78
Susanville	17	24	:	33	35	19
Visalia	11	844	:	18	458	12
Colorado	:	:	:	:	:	:
Del Norte	28	10	:	13	17	27
Denver	66	52	:	61	87	48
Durango	10	22	:	56	61	10
Glenwood Springs	172	394	:	234	249	180
Lamar	32	20	10	73	54	36
Leadville	5	27	:	13	13	5
Montrose	144	160	:	67	64	153
Pueblo	189	150	:	144	173	179
Sterling	11	15	:	28	28	14
Florida	:	:	:	:	:	:
Gainesville	:	20	25	87	63	20
Idaho	:	:	:	:	:	:
Blackfoot	50	55	:	67	62	45
Boise	60	49	:	53	53	63
Coeur d'Alene	:	20	:	19	22	1
Hailey	64	71	:	50	46	59
Lewiston	10	18	:	6	5	10
Kansas	:	:	:	:	:	:
Topoka	25	4	:	8	4	26
Louisiana	:	:	:	:	:	:
Baton Rouge	:	28	:	38	36	30

Michigan	:	:	:	:	:	:	:	:
Marquette	:	:	12	:	9	9	:	12
Minnesota	:	:	:	:	:	:	:	:
Cass Lake	:	:	11	:	18	23	:	6
Crookston	:	:	13	:	25	20	:	18
Duluth	:	:	6	:	23	23	:	6
Mississippi	:	:	:	:	:	:	:	:
Jackson	:	:	11	:	21	21	:	11
Montana	:	:	:	:	:	:	:	:
Billings	:	12	15	:	17	18	12	14
Bozeman	:	58	51	:	33	32	59	51
Glasgow	:	72	41	:	122	100	80	55
Great Falls	:	21	49	:	40	54	21	35
Havre	:	40	57	:	101	77	47	74
Helena	:	95	41	:	83	77	95	47
Kalispell	:	:	8	:	5	9	:	4
Lewistown	:	89	27	:	31	35	88	24
Miles City	:	175	90	:	172	150	187	100
Missoula	:	4	10	:	18	14	4	14
Nebraska	:	:	:	:	:	:	:	:
Alliance	:	30	3	:	10	10	30	3
Lincoln	:	20	5	:	4	2	22	5
Nevada	:	:	:	:	:	:	:	:
Carson City	:	29	102	:	36	29	25	113
Elko	:	33	41	:	22	24	38	34
New Mexico	:	:	:	:	:	:	:	:
Clayton	:	67	36	:	17	28	64	28
Ft. Sumner	:	22	29	:	50	52	26	23
Las Cruces	:	20	81	:	68	76	22	71
Roswell	:	61	102	:	170	198	65	70
Santa Fe	:	50	158	:	276	223	57	204
North Dakota	:	:	:	:	:	:	:	:
Bismarck	:	16	20	:	23	18	17	24
Dickinson	:	6	8	:	11	10	7	8
Oklahoma	:	:	:	:	:	:	:	:
Guthrie	:	50	6	:	27	59	19	5
Oregon	:	:	:	:	:	:	:	:
Burns	:	19	16	:	33	29	20	19
La Grande	:	60	56	:	47	36	60	67
Lakeview	:	41	56	:	49	39	44	63
Portland	:	:	9	:	27	33	:	3
Roseburg	:	:	79	:	88	125	:	42
The Dalles	:	61	41	:	42	44	62	38
Vale	:	10	68	:	17	15	10	70
South Dakota	:	:	:	:	:	:	:	:
Bellefourche	:	4	7	:	50	48	4	9
Pierre	:	40	38	:	42	41	41	38
Rapid City	:	18	26	:	47	50	18	23
Utah	:	:	:	:	:	:	:	:
Salt Lake City	:	298	253	:	251	202	307	293
Vernal	:	27	36	:	43	27	21	58

Washington	:	:	:	:	:	:	:	:
Seattle	:	:	10 :	:	10 :	10 :	:	10 :
Spokane	:	10 :	39 :	:	25 :	39 :	10 :	25 :
Vancouver	:	1 :	2 :	:	9 :	7 :	1 :	4 :
Walla Walla	:	13 :	7 :	:	22 :	19 :	13 :	10 :
Waterville	:	14 :	15 :	:	26 :	16 :	14 :	25 :
Yakima	:	4 :	1 :	:	9 :	8 :	5 :	1 :
Wisconsin	:	:	:	:	:	:	:	:
Wausau	:	:	:	:	12 :	10 :	:	2 :
Wyoming	:	:	:	:	:	:	:	:
Buffalo	:	83 :	50 :	:	94 :	94 :	81 :	52 :
Cheyenne	:	45 :	123 :	:	141 :	143 :	49 :	117 :
Douglas	:	24 :	96 :	4 :	177 :	182 :	20 :	99 :
Evanston	:	31 :	73 :	:	82 :	64 :	32 :	90 :
Lander	:	34 :	31 :	:	63 :	63 :	29 :	26 :
Newcastle	:	47 :	76 :	:	98 :	87 :	45 :	89 :
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Total,	:	3,126 :	4,992 :	30 :	4,681 :	5,047 :	3,144 :	4,588 : 50
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CHANGES IN ASSIGNMENT.

Mr. P. J. Altizer to the Board of Law Review;

Mr. Asa N. Cummiford to Chief of Contest Division;

each effective November 16, 1924.

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OBITUARY.

Dr. Alfred H. Brooks:--Funeral services for Dr. Alfred Hulse Brooks, 53 years old, chief Alaskan geologist of the United States Geological Survey, who died in Emergency Hospital November 22, 1924, was conducted at his home, 3100 Newark street, Monday afternoon at 2 o'clock. Rev. Dr. Edward S. Dunlap, assistant rector of St. John's Episcopal Church, officiating. Interment was in Oak Hill Cemetery.

Col. Brooks was best known for his extensive work in Alaska, though he also served with distinction in France as lieutenant colonel and chief geologist of the A. E. F. In addition he ably filled many other responsible positions both within and without the Government service. Col. Brooks' intense practicality his power of thorough analysis and his ready grasp of crucial points made his advice widely sought and deeply respected, not only by his scientific associates, but by men unversed in science, whether the highly educated or the rough-and-ready prospector.

Under his leadership the principal features of Alaska have been accurately mapped and its great mineral resources investigated. In this work Col. Brooks was no "closet" geologist. Although he was always the first to share the credit with his subordinates, he himself made more trips to Alaska and tramped and canoed more miles through the northern wilderness than perhaps any other Alaskan explorer. The results of these trips are recorded in hundreds of different official volumes and on maps covering hundreds of thousands of square miles.

In 1911 he was appointed vice chairman of the first Alaskan commission, to consider all possible railroad routes in Alaska--the forerunner of the present Alaska Railroad.

EARLY PREPARED FOR WAR.

Even before the declaration of war, Mr. Brooks was so imbued with his obligations to the military establishment that he entered one of the early training camps, and this training, coupled with his demonstrated success in applying scientific principles to the problems that might be encountered by our troops, led him to be commissioned in the Officers' Reserve Corps, and early sent to France. His knowledge of geology immediately found application to many phases of modern military problems.

Following the war Col. Brooks was officially attached to the Peace Commission, to which he furnished much information regarding the resources and possibilities of the Central Powers and those regions which would necessarily be considered in establishing a firm peace.--Washington Star.

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TELL THE BULLETIN.

To All Local Offices and Field Service Employees:

If anything occurs, in the public land service, which you think is of administrative value, tell us about it. Address all communications to the Commissioner of the General Land Office, "Land Service Bulletin." All information should be received not later than the 24th of each month for use in the current number.

Under the provisions of the act, the Secretary of the Interior is authorized to acquire and hold land for the purpose of establishing a national monument. In this case, the Secretary has determined that it is in the public interest to acquire the land described in the accompanying map and to establish a national monument thereon. The Secretary has also determined that it is in the public interest to acquire the land described in the accompanying map and to establish a national monument thereon.

It will be seen that the land described in the accompanying map is of great value to the public and that it is in the public interest to acquire it and to establish a national monument thereon. The Secretary has determined that it is in the public interest to acquire the land described in the accompanying map and to establish a national monument thereon.

ARTICLE IV

The Secretary is authorized to acquire and hold land for the purpose of establishing a national monument. In this case, the Secretary has determined that it is in the public interest to acquire the land described in the accompanying map and to establish a national monument thereon. The Secretary has also determined that it is in the public interest to acquire the land described in the accompanying map and to establish a national monument thereon.

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ARTICLE V

Section 1. The Secretary is authorized to acquire and hold land for the purpose of establishing a national monument.

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LAND SERVICE BULLETIN

DEPARTMENT OF THE INTERIOR GENERAL LAND OFFICE

By direction of the Secretary of the Interior the matter contained herein is published as administrative information and is required for the proper transaction of public business.

Vol. 8.

January 1, 1925

No. 11.

A NEW SET OF BOOKS.

The great timekeeper of all human service has closed the score for 1924, and opened a new set of books. For good or ill, the record is now past amendment; and who among the sons of men is wholly pleased with his balance sheet? No matter how much labor or care we gave to our task we know now that it could have been better done, and in this lies the hope for a better score in the year to come.

To know wherein we failed yesterday is so much gained for today. To know wherein we fail today is so much gained for tomorrow. The failure of today may be the success of tomorrow.

So, all hail the New Year!

With the success of the past year to cheer us, and the failure to warn us, we should open a new account of our service to the public with renewed diligence and abiding confidence. With this assurance, the Bulletin extends the greetings of the New Year to the members of the public land service, in whatever field engaged, with best wishes for personal achievement, and bids you be mindful of the high duty with which we are charged in the award of public lands to those justly entitled thereto, and the consequent call for constant vigilance on our part.

SURVEY NOTES.

Withdrawal of Islands, Florida.--On the recommendation of the Department the President on December 8, 1924, withdrew from settlement, entry, and disposal all islands off the coast or in the coastal waters of Florida for classification and in aid of legislation. The executive order which is numbered 4109 is as follows:

Under authority contained in the act of Congress approved June 25, 1910 (36 Stat., 847), as amended by the act of August 24, 1912 (37 Stat., 497), and subject to the conditions, provisions, and limitations of said acts, it is hereby ordered that all islands belonging to the United States in Florida situated in the waters off the coast or in the coastal waters of the State, be and the same are hereby withdrawn from settlement, location, sale, entry, and all forms of appropriation, subject to any valid existing rights in and to the same, for classification and in aid of legislation.

West Boundary Mora Grant, New Mexico.--On December 6, 1924, the United States Surveyor General for New Mexico was authorized to provide for the survey of the west boundary of the Mora Grant as decreed by the United States Supreme Court in the case of United States vs. State Investment Company et al. (264 U. S., 207). The decree, which calls for

"A straight line running due north and south through the Estillero and through the monument in said Estillero located and established by Thomas Means, C. E., in 1861, as the west boundary of said Mora Grant, the said west boundary being the line reestablished by John H. Walker in the year 1902 * * * "

is subject to a stipulation that the bona fide settlers on the disputed tract who hold under patent or entry, or who may make entry of lands listed by the Secretary of Agriculture under the act of June 11, 1906, shall not be molested and that the Secretary of the Interior shall have exclusive jurisdiction to pass upon the good faith of and compliance with the law by anyone claiming protection thereunder.

It is known that there are at least 92 small holding claims that will fall within the protection of the stipulation and in addition thereto there are a number of patents and outstanding entries under other public land laws. The survey that is to be executed under this authorization will not only carry out the decree as to the fixation of a straight line that will pass through the Estillero monument set by Means in 1861 and subsequently identified by Walker in 1902, but will also provide an adequate means for the identification of claims coming within the purview of the stipulation.

Surveyors in the Field and General Land Office.--On December 15, 1924, the Supervisor of Surveys reported that there were 17 surveying parties engaged in field work distributed as follows: Arizona 7, New Mexico 2, Utah 2, and Eastern District 6.

Under authority of that part of the act making the appropriation for surveying the public lands providing "That not to exceed \$10,000 of this appropriation may be expended for salaries of employees of the Field Surveying Service temporarily detailed to the General Land Office" there have been detailed to the Washington office the following-named Cadastral Engineers to assist in the final examination of the returns of surveys prior to their acceptance and opening of the lands to entry thereunder:

E. G. Harrington, Guy R. Veal, Fred Mensch, Chester W. Pecore, George F. Rigby, and B. J. Kinsey. This is the smallest number of engineers brought into the General Land Office since authority was originally granted to make such details.

Surveys in Indiana.--On December 2, 1924, the Commissioner of the General Land Office as ex officio United States Surveyor General for Indiana approved and accepted the returns of the surveys of two islands in Tippecanoe River in sections 28 and 33, T. 28 N., R. 2 W., 2 P. M. These two islands were shown by competent evidence to have been above mean high water of the river in 1816 when the State was admitted into the Union and therefore public lands of the United States omitted from the original survey of the township. This case is therefore noteworthy as the surveyor general's office for Indiana was closed in 1849 or 75 years ago upon the assumption that all the public lands in the State had been brought under survey.

Surveys, Iniskin Bay Oil Field, Alaska.--Activities in the Iniskin Bay oil fields on the west coast of Cook Inlet, Alaska, are shown by the records of this office to be such as to create a demand for the extension of the rectangular system of the public land surveys over the area in order that there may be established a sufficient network to which the claims of oil-prospecting permittees may be related. Accordingly, on December 16, 1924, the United States Surveyor General was directed to issue special instructions providing for the establishment of such a system of public land surveys as may be needed in the locality with a view to the execution of the field work during the season of 1925.

RECESSION OF SALTON SEA.

An interesting operation of the public land surveys is the progressive survey of the bed of the Salton Sea, in the Imperial Valley of California. This valley is far below sea level, some 260 feet lower than the Gulf of California in Mexico. It was primarily a sandy desert, and was surveyed originally in 1856.

Some 25 or more years ago there occurred an avulsion which wrought a remarkable change in the condition of the valley.

The Colorado River, discharging into the head of the gulf, carries great quantities of silt. At the time mentioned the river, by reason of floods and the tearing down of the banks and canyons of its many tributaries, was overcharged with silt, which it deposited in an immense bank or bar at the head of the gulf, practically shutting off the gulf entrance. The waters of the river then broke back and flowed into the Imperial Valley, forming a great lake which was named the Salton Sea. Later the river resumed its natural course, discharging into the gulf, the inflow into the valley ceased but the sea remained.

Since that time the sea has been gradually drying up. The soil of the valley is of silt, very fertile, and is under an irrigation system, the canals being brought in from the Colorado River near the gulf.

The land is very desirable, so the occupation follows the recession of the sea very closely. The old survey has long since been almost completely obliterated and the district is under technical resurvey operation which amounts practically to an original survey. This operation is proceeding progressively as the sea recedes, the lines of survey being pushed farther and farther into the former bed of the sea, and as soon as any material area of land is uncovered there is an insistent demand for its survey.

A set of returns of the latest portion of resurvey is now being examined in the General Land Office, the aggregate area of new land surveyed being 13,300 acres situated in four townships. Under the method of resurvey, the lines are run as far out as possible, sixteenth-section corners being established, where necessary, to define the farthest legal subdivisions uncovered, even in some instances invading the sea to some extent. No meander lines are run, and no riparian rights are acquired. This latest extension of the resurvey is the fourth in the locality, prior resurveys and extensions having been made in 1915, 1918, and 1920.

FIELD SERVICE NOTES.

Special Agent C. F. Follen, who spent the summer working in Minnesota and Michigan, having completed his reports, has left Washington and is now connected with the Denver field division.

Special Agent Frank P. Farley, who spent a portion of his vacation in Washington, has reported to the Denver Division for duty.

Special Agent Orris Bennett, agent in charge of hearings in the Helena Division, is now in the Solicitor's office, Internal Revenue Bureau, Washington, having resigned from the Field Service effective December 15. "One by one the roses fall."

Special Agent James Conlon, of the Santa Fe Division, drove through from New Mexico to Washington to spend a part of his annual leave.

Special Agent L. B. Kimble, Cheyenne Division, was called to Washington last month for a conference on important cases under investigation by him. While here he availed himself of the opportunity and visited his parents at Hagerstown, Maryland, for a few days.

Special Agent Clarence R. Bradshaw, for some time connected with the Southern Division, has been transferred to the Denver Division. He spent a part of his annual leave visiting in Washington and vicinity.

Special Agent J. S. McCarthy, of the Santa Fe Division, spent his holiday vacation at Baltimore and Washington, at its conclusion returning to Santa Fe.

Special Agent A. W. Thompson, of the Denver Division, took advantage of his annual leave to visit Washington and other eastern points for a few days. He returned to Denver the latter part of December.

Special Agent George N. Crockett was visiting his family and friends in Washington and vicinity for two or three weeks last month. He has now returned to the Santa Fe Division.

Special Agent Willard T. Smith, of the Salt Lake Division, died Tuesday, January 6, at his home in Salt Lake City, of cancer of the stomach, after an illness of several months' duration. Mr. Smith entered the service August 17, 1909, from the State of Delaware. He was at once assigned to the Salt Lake Division, of which the present Chief of Field Service was Chief at the time. During all the years since his appointment he labored in the States of Idaho and Utah, which comprise the division named. He was 53 years of age. He leaves a wife and several children, to whom is extended the deepest sympathy of the entire field force, as well as those of this office who were acquainted with him and his work.

From Helena.--Pursuant to Special Agent Wade's report, the United States Attorney filed an information on February 28, 1924, against Charles N. Skillman for making false certificate as United States Commissioner in a homestead entry, and thereafter the said Skillman entered a plea of not guilty. The case was set for trial in the United States Court at Billings, Montana, on December 15, 1924. On December 12, 1924, Skillman changed his plea from not guilty to guilty, and was given a fine of \$50 and costs taxed at \$93.27, and was allowed a stay for 60 days in which to pay his fine.

TAXABILITY OF LEASE ISSUED UNDER THE MINERAL
LEASING ACT OF FEBRUARY 25, 1920.

The Land Service Bulletin is in receipt of an interesting decision rendered by the Superior Court for the County of San Bernardino, California, involving the taxability of Federal leases issued for the privilege of removing oil from public lands of the United States. Two cases were involved, the General Petroleum Corporation vs. County of Kern, and the National Pacific Oil Company vs. County of Kern, in each of which plaintiffs took the position that they were in fact agencies of the Federal Government and therefore exempt from local taxation, to which the defendants responded that the leases in question were taxable by the State and local authorities under the inherent tax powers of the State. In its decision the court said:

"The taxes sought to be imposed are invalid in attempting to tax an instrumentality through which the United States is performing its duty to the public in the shape of encouraging the production of oil and so lessening its price.

"The Federal leasing bill was passed by Congress for the avowed purpose of stimulating the production of oil to the end that increased production should reduce the cost to the consumer. The bill was unquestionably designed to develop incentive and to make the mining of oil upon the public domain an attractive field for private enterprise. These leases on proven structures go to those who pay the most and the high prices received are due to the fact that they are supposedly free from taxation. The taking away of all restraint upon the local taxing power and throwing these leases as property wide open to the assaults of innumerable assessors destroys that incentive to production which it was the very purpose of the Act to foster and discourages private initiation in the development of the public domain. Such a situation would nullify every purpose for which the leasing bill was enacted and reduce its efficiency to the veriest zero."

The Bulletin will await with interest the final outcome of this litigation, for it is presumed that an appeal will be taken on behalf of the State.

RIGHT OF AMERICANS AND OTHER FOREIGNERS TO
ACQUIRE LAND IN CHINA.

The General Land Office is in receipt, through reference from the Department of State, of an interesting document from the Consul General at Shanghai, China, under date of November 14, 1924, in which he gives an outline of the procedure incident to the acquisition of land in China, of which note is now made in the Bulletin as a matter of record for possible future reference.

The consular report has been registered in our division of mails and files as "A--1162634" and will be available if any inquiry in this line arises hereafter. The Bulletin quotes the opening paragraph of the report as indicative of its general character:

"The right of Americans and all other foreigners to acquire land in China is governed by treaty stipulations between China and foreign powers. Land so acquired is to be rented or leased in perpetuity and not to be held in fee simple. Missionary societies as public bodies are permitted to rent or lease in perpetuity, land in any part of China, but the right of individual foreigners or foreign firms to so acquire land is limited to the treaty ports.

RECENT DECISIONS OF THE COURTS AND THE DEPARTMENT.

Public Surveys--Establishment of Corners.--To establish a lost corner the surveyor should locate, if possible, Government corners in every direction from it, and apportion distance between such points; quarter-corner, marked by stone, not shown to have been in place is not controlling as against reference in the field notes to certain stream.

(Supreme Court of Colorado.)
Beaver Brook Resort Company v. Stevens.
230 Pacific Reporter, 121.

Railroad Land Grant--Mineral Exception.--The reservation of all mineral land by the Government in its land grant to the Union Pacific Railroad in Saline County, Kansas, patented over 30 years ago, does not constitute a defect in title nor render the title to such land unmerchantable in a contract for the sale of an oil and gas lease on such land.

Public Land Grant--Judicial Notice.--The court takes judicial notice that the Government land grants in Saline County to the Union Pacific Railroad covered agricultural lands and no other, and holds that the possibility that such lands may also become valuable as mineral lands at some future time does not and can not affect the rights of persons holding under the original patentee.

(Supreme Court of Kansas.)
Crum v. Guffey - Gillespie Oil Company.
230 Pacific Reporter, 299.

Public Waters--Reclamation District.--Under the statutes of the State of Washington a contract made by a reclamation district for water supply necessary for irrigation, pending arrangements to buy irrigation system, is not ultra vires.

Reclamation District--Statutory Authority.--The powers of a reclamation district under the statutes of the State of Washington are not only those expressly granted, but those necessarily or fairly implied or incident thereto, or indispensable to declared objects and purposes.

(Supreme Court of Washington.)
Beasley v. Assets Conservation Company.
(230 Pacific Reporter, 411.)

Mining Claims--Defaulting Co-owner.--The right to acquire by forfeiture the interest of a co-owner who fails to contribute his proportionate part of the annual assessment work exists only in favor of one who is a co-owner during the year for which the forfeiture is claimed.

Supreme Court of Wyoming; Mecum vs. Metz.
(229 Pacific Reporter, 1105.)

Irrigation--Use of Water.--Drainage waters put into the ground by means of artificial irrigation, are not subject to appropriation, and persons recovering such waters have a legal right to dispose of them by sale or otherwise.

Irrigation--Disposition of Waste Waters.--Water Users' Association having power to drain lands of project that are water-logged, necessarily has right to dispose of water as incident thereto, and contract permitting irrigation company to apply such waters to irrigation of land outside of project is not beyond association's power, especially in view of its charter providing that Board of Governors shall each year fix charge to be paid for delivery of water to lands owners of which are not shareholders.

(Supreme Court of Arizona.)
Brewster v. Salt River Valley Water Users' Association.
(229 Pacific Reporter, 929).

Public Waters--Extraterritorial Rights.--Laws of State through which stream flows, respecting water rights, can not limit or affect rights of citizens of another State through which the stream flows in its downward course in its waters.

Finney County Water Users' Association v.
Graham Ditch Company. (1 F. (2d) 650.)

Repayment--Mineral Lands--Mining Claim--Fraud.--A mineral entry, the allowance of which was wrongfully procured by false and misleading evidence, subsequently canceled upon charges that the land was not valuable for minerals and that the requisite patent expenditures had not been made, is not an erroneously allowed entry within the purview of the repayment act of June 16, 1880, where the record was not obviously so incomplete and defective on its face as to warrant its denial in the first instance.

Pacific Gas and Electric Co. (Assignee of Britton); decided August 2, 1924, by First Assistant Secretary Finney.

Repayment--Coal Lands--Fraud--Relinquishment.--The repayment statutes are not to be deemed to offer an option to a claimant either to defend against charges involving actual fraud and protect his claim, or to relinquish the land and take instead the purchase price.

Coal Lands--Alienation--Vested Rights--Payment.--Equitable title to coal lands entered under section 2347 et seq., Revised Statutes, does not vest in the entryman until the laws and regulations shall have been fully complied with, including payment of purchase price, and until that time alienation of the lands is without lawful effect.

Repayment--Coal Lands--Fraud--Relinquishment--Evidence--Presumption--Burden of Proof.--Where a coal entry is canceled upon a relinquishment filed during the pendency of adverse proceedings based upon a charge of fraud, it will be presumed that the purpose of the relinquishment was to avoid the issue and to dispose of the charge without adjudication upon the ultimate merits, and an applicant for repayment of the purchase price under the act of March 26, 1906, must assume the burden of proof and establish a prima facie case as to absence of fraud.

Departmental Decision Distinguished.--Case of George F. Goodwin (43 L. D., 193), distinguished.

Great Western Coal Mines Company;
decided August 6, 1924, by
First Assistant Secretary Finney.

Oil and Gas Lands--Prospecting Permit--Application--Notice--Boundaries.--Where an application for an oil and gas prospecting permit is for incontiguous tracts, the erection of a notice upon each tract with a description of the land will suffice to meet the requirements of section 13 of the act of February 25, 1920, if the lands be surveyed, but, if unsurveyed, the corners of each tract must be monumented.

Instructions; August 19, 1924,
First Assistant Secretary Finney,
to Mr. H. L. Myers, Billings, Montana.

School Land--Indemnity--Selection--Survey--Withdrawal--Reservation.--

All withdrawals and reservations in effect when the plat of survey of a granted school section is accepted defeat, at least temporarily, the grant to the State which has the right to delay the selection of indemnity to such time as it may see fit, but if the withdrawal or reservation is vacated prior to the filing of an indemnity selection the State must take the land in place.

Departmental Decisions Construed.--Case of State of California (32 L. D., 346), which distinguished and refused to follow the case of State of California (20 L. D., 327), was vacated by the case of State of California (37 L. D., 499), which was adhered to in the case of State of New Mexico (46 L. D., 396).

Joseph C. Bringham et al; decided September 6, 1924, by Assistant Secretary Goodwin.

Saline Land--Prospecting Permit--Lease--Reservation--Surface Rights.--

The rights reserved by section 29 of the act of February 25, 1920, in lands under permit or lease are limited to disposals of the surface; that is, to non-mineral entries authorized by the acts of July 17, 1914, and December 29, 1916.

Potash Lands--Saline Land--Prospecting Permit.--No authority exists for the issuance concurrently of a permit to prospect for potassium under the act of October 2, 1917, and of a permit to prospect for sodium under the act of February 25, 1920, for the same tract of land.

Potash Lands--Prospecting Permit--Patent--Lease.--The act of October 2, 1917, provides that upon satisfactory showing of valuable deposits in lands embraced within a prospecting permit issued thereunder, a patent shall be issued for one-fourth of the land covered by the permit, and the provision in section 2 of the act restricting further disposals of the remaining lands to leases clearly contemplates that the right of the permittee to an unlimited patent should be restricted only by prior disposals under acts which authorize the issuance of such patents.

Departmental Decision Cited and Applied.--Case of Joseph E. McClory (50 L. D., ____), cited and applied.

Instructions of September 23, 1924;
First Assistant Secretary Finney.

Carey Act--Enlarged Homestead--Preference Right--Settlement--Widow.--

The preference right accorded to an entryman under State Carey Act laws by the act of February 14, 1920, to make an entry under applicable public land laws, descends to the widow of one who, having died prior to the exercise of the right, had in his lifetime been declared by the Land Department to be entitled thereto by reason of his settlement upon and occupancy of the land.

Departmental Decision Distinguished.---Case of guardian of Juanita Elsenpeter (46 L. D., 110), cited and distinguished.

Leonora Jung; decided October 4, 1924,
First Assistant Secretary Finney to the
Register, Great Falls, Montana.

Stock-Raising Homestead--Improvements--Mortgage--Mortgagee--Evidence.---
While an agent, transferee, or incumbrancer is not permitted to perform any provision of the homestead law which is required to be the personal act of the entryman himself, yet a transferee or incumbrancer may, in the event that the debtor defaults, submit evidence probative of the fact that the entryman had personally fulfilled the requirements of the statute.

Stock-Raising Homestead--Improvements--Mortgage--Mortgagee--Final Proof--Fraud.---Where a stock-raising homestead entryman, after mortgaging the entry, defaults without submitting final proof, although requested to do so, and the proof offered by the mortgagee is found to be unsatisfactory because of insufficiency of improvements, the latter may, upon a satisfactory showing that the former had met the legal requirements of the statute with respect to improvements, but had stripped the land with the apparent intention of defeating the just claims of the mortgagee, be permitted to restore in value the improvements thus removed and to submit new proof.

Hazel Meeker Jackson, John D. Le Bar,
Mortgagee; decided October 4, 1924.

Officers--United States Commissioner--Records--Practice--Marriage.---
Official papers in land matters executed before a United States Commissioner in her maiden name and under which she was commissioned should be accepted, in the absence of other objection, notwithstanding her marriage while holding such appointment.

First Assistant Secretary Finney to
the Commissioner of the General Land Office;
October 6, 1924.

Potash Lands--Saline Land--Oil and Gas Lands--Coal Lands--Mineral Lands--Mining Claim.---On and after the passage of the leasing acts of October 2, 1917, and February 25, 1920, lands which at the time of an attempted location on account of metalliferous deposits are known to be valuable for any of the minerals named in those acts are not subject to appropriation under the preexisting mining laws.

Departmental Decision Cited and Applied.---Case of Joseph E. McClory (50 L. D., ____), cited and applied.

Secretary Work to Hon. Charles L. Richards,
House of Representatives, October 9, 1924.

Oil and Gas Lands--Prospecting Permit--Contribution--Diligence--Extension of Time.--A contribution to the cost of a test well on lands covered by a prospecting permit held by another does not excuse a permittee from ultimately drilling the area covered by his permit, but merely constitutes, in proper cases, diligence sufficient to warrant an extension of time within which to begin drilling as authorized by the act of January 11, 1922.

Oil and Gas Lands--Prospecting Permit--Assignment--Contribution--Diligence--Extension of Time.--An assignment with departmental approval of substantial interests in several oil and gas prospecting permits to a driller as consideration for drilling a test well made in conjunction with a contract for the immediate development of lands covered by one of the permits, constitutes an actual contribution to the cost of the test and entitles the permittees to extensions of time to begin drilling upon the lands covered by the other permits, but the duty devolves upon the permittees to enforce fulfillment of the contract and lack of diligence in that respect will be a bar to further extension.

Oil and Gas Lands--Lease--Assignment.--Section 27 of the act of February 25, 1920, does not contain any express limitation preventing a corporation, if authorized by its charter, from becoming interested, as a member of an association, in more than one lease on a geologic structure or more than three leases in a State, provided that the interests, both direct and indirect, do not exceed 2,560 and 7,680 acres, respectively.

Oil and Gas Lands--Prospecting Permit--Lease--Assignment.--The assignee of a lease, in whole or in part, and the assignee of a prospecting permit, in its entirety assume obligations to the United States to the same extent as though the lease or permit had issued to the assignee in the first instance.

Oil and Gas Lands--Prospecting Permit--Lease--Assignment.--Where a prospecting permit is only partially assigned, the permit will still be regarded as a unit and the permittee and assignee as associates with indirect interests, and as such entitled to interests in more than one permit upon the geologic structure, provided that the limitation as to acreage contained in section 27 of the leasing act is not exceeded; upon discovery both will be entitled to leases for their proportionate parts of the entire area, and at a royalty of 5 per cent upon an area equal to one-fourth of the area described in the permit as issued.

Oil and Gas Lands--Prospecting Permit--Lease--Assignment.--Where undivided interests in a prospecting permit or lease are assigned the permit or lease remains a unit after assignment, and the permittee or lessee and the assignee become associates, and as such may be interested in more than one permit or lease upon a geologic structure, provided that the limitation as to acreage is not exceeded.

Departmental Decision Distinguished.--Case of *Armstrong v. McKanna* (50 L. D., ____), distinguished.

Denver Exploration and Development Co.
(Assignee of Roy L. Smith et al); decided
October 9, 1924; by First Assistant
Secretary Finney.

Oregon and California Railroad Lands--Mineral Lands--Mining Claim--Power Sites--Federal Water Power Act.--The proviso to section 24 of the Federal Water Power Act, considered in the light of the provisions of section 2 of the act of June 9, 1916, operates retroactively to validate mining claims, otherwise regular, located upon lands within the forfeited grant to the Oregon and California Railroad Company after their executive withdrawal as "power site lands," but prior to their classification as such, the claims, however, being subject to the conditions and limitations of said section 24.

Departmental Decision Overruled.--Case of *Dailey Clay Products Company* (48 L. D. 429, 431), overruled so far as in conflict.

Walter W. Hall et al; decided October 11, 1924,
by First Assistant Secretary Finney.

Water Power Project--National Forests--Relinquishment--Lieu Selection--Reconveyance.--The issuance of a license for a water power project as to a tract of land within a national forest which was relinquished to the United States as base for a lieu selection under the act of June 4, 1897, is a disposition of the land within the contemplation of section 2 of the act of September 22, 1922, and precludes the Secretary of the Interior from quitclaiming it pursuant to section 1 of the latter act.

San Joaquin Light and Power Corporation;
decided October 31, 1924, Acting Secretary
Edwards, to the Federal Power Commission.

Notice--Mining Claim--Application--Patent.--A published notice that an application for a mineral patent is about to be filed does not meet the requirement of section 2325, Revised Statutes, that a notice that an application for such patent has been filed shall be published, and consequently does not afford a basis for mineral patent.

Instructions, November 7, 1924;
First Assistant Secretary Finney.

Homestead Entry--Final Proof--Fees and Commissions--Payment--Vested Rights--Oil and Gas Lands.--The time of the submission of final proof upon a homestead entry showing full compliance with all the requirements of law, if unrefuted, and the payment of the requisite fees and commissions marks the vesting in the entryman of equitable title to the land, regardless of any change as to its character that may thereafter be discovered before examination and approval of the proof by the General Land Office.

Homestead Entry--Mineral Lands--Oil and Gas Lands--Prospecting Permit--Vested Rights--Waiver.--The right of an entryman under the agricultural land laws to file a waiver of mineral rights, if he desires, at any time prior to issuance of patent and thereupon himself seek a permit or lease under the leasing act, ceases to exist when he permits another to acquire, after the vesting of equitable title in him under the entry, lawful rights that would be adversely affected.

Homestead Entry--Patent--Reservation--Final Proof--Oil and Gas Lands--Lease.--A Protest by one claiming under an oil lease executed by a homestead entryman against the entryman's consent to take a limited patent as prescribed by the act of July 17, 1914, will not lie where at the time of the submission of final proof the land was known to be prospectively valuable for petroleum deposits.

Oil and Gas Lands--Prospecting Permit--Contiguity.--Noncontiguous areas of oil and gas lands, to be subject to a single permit under section 13 of the act of February 25, 1920, must be such as may be included in an area 6 miles square.

Departmental Decisions Cited and Applied.--Cases of Fred Mathews (48 L. D., 259), and Helen F. Curns (50 L. D., 353), cited and applied.

Wyman v. Clark; decided November 10, 1924, by
First Assistant Secretary Finney.

Public Lands--Courts--Vested Rights--Statutes.--Whenever the question arises in any court, State or Federal, as to whether the title to land, which had once been the property of the United States, has passed, that question must be resolved by the laws of the United States; but when, according to those laws, the title shall have passed, then that property, like other property in the State, is subject to the laws of the State so far as those laws are consistent with the admission that the title passed and vested according to the laws of the United States.

Navigable Waters--Riparian Rights.--Upon the admission of a State into the Union the title to all lands under the navigable waters within the State inures to the State as an incident of sovereignty, and the laws of the State govern with respect to the extent of the riparian rights of the shore owners.

Public Lands--Patent--Riparian Rights.--With respect to public lands bordering on non-navigable bodies of water, the Government assumes the position of a private owner, and when it parts with its title to those lands, without reservation or restriction, the extent of the title of the patentee to the lands under water is governed by the laws of the State within which the lands are situated.

Survey--Fraud--Lake--Boundary--Public Lands--Riparian Rights.--

Where a survey was fraudulent or grossly inaccurate in that it purported to bound tracts of public lands upon a body of water, when in fact no such body of water existed at or near the meander line, the false meander line and not an imaginary line to fill out the fraction of the normal subdivision marks the limits of the grant of a lot abutting thereupon, and, upon discovery of the mistake, the Government may survey and dispose of the omitted area as a part of the public domain.

Rust-Owen Lumber Company. (On Rehearing);
Decided November 24, 1924, by First
Assistant Secretary Finney.

Survey--Plat--Forest Homestead--Relinquishment.--

A survey which sets apart as a unit a tract of land for a forest homestead entry does not supersede the township survey if the land thereafter becomes subject to appropriation, but it may be subsequently entered by legal subdivisions in accordance with the township plat.

Talitha A. Foran et al; decided
December 16, 1924, by First Assistant
Secretary Finney.

UNITED STATES

DEPARTMENT OF THE INTERIOR

1031740 "F" AED

General Land Office

160168

Washington

October 9, 1924.

160167

Colorado Park Irrigation Company. : Suspension Revoked.
Ouray Valley Irrigation Company.

Register and Receiver,

Vernal, Utah.

Gentlemen:

On October 9 and 27, 1916, this office disapproved the Colorado Park Irrigation Company and the Ouray Valley Irrigation Company, respectively, as sources of water supply for desert-land entries. Desert-land claimants who had purchased shares of stock as evidence of a water right from one or the other of said companies applied for and were allowed relief under the provisions of the act of March 4, 1915 (38 Stat., 1161).

On March 29, 1922, this office issued an order approved by the Department suspending all entries of the relieved desert-land claimants pending the outcome of litigation between the United States as trustee for the Indians in the Uinta Indian Reservation and these and other irrigation companies in order that the claimants might receive credit for as permanent improvements tending to the agricultural development of their land, the water right represented by stock owned by them in either of the companies mentioned as well as ditches and canals constructed upon the land of their entries at the time of submitting final proof under the last two paragraphs of the act of March 4, 1915, supra, in the event it should appear in the final decree resulting from the litigation that there actually existed surplus waters which might be apportioned among the defendants for irrigation purposes after the rights of the Indians had been satisfied.

In your letter of December 28, 1923, you advised this office that a decree had been entered in the case involving the water rights from Uinta River and its tributaries and recommended that the order of March 29, 1922, be revoked.

It appearing from the records of this office that an uncertified copy of the decree dated March 16, 1922, was on file in connection with a report submitted April 30, 1923, on the Uinta River Irrigation Company, one of the defendants in the litigation, this office on January 11, 1924, directed the Chief of Field Division at Salt Lake City, Utah, to cause a further investigation to be made of the Colorado Park Irrigation Company and the Ouray Valley Irrigation Company in the light of this decree and to submit such further report in the case as would enable this office to determine the amount of

water, if any, each company was entitled to under the decree and such other matters as would permit this office to take appropriate action.

The decree held, in effect, that the United States and the Secretary of the Interior as trustees of the Indians on the former Uinta and Ouray Indian Reservations had the first and exclusive right as against the Colorado Park Irrigation Company, Ouray Valley Irrigation Company, and other defendants mentioned under a priority that antedated the 3d day of October, 1861, at all times to divert from the Uinta River and its tributaries 104,100.27 acre-feet of water for the irrigation of 34,700.09 acres of land and other uses as more fully set forth in the decree and that for the protection of the water rights decreed a water commissioner shall be appointed not only to see that the priorities of the plaintiffs are satisfied, but also to distribute the waters of the stream among the various defendants according to their priorities and rights as they may be ascertained from time to time by agreement by the parties or in some other proper manner.

On September 13, 1924, separate reports were submitted on the Colorado Park Irrigation Company and the Ouray Valley Irrigation Company in each of which a careful analysis is given of the water supply available from Uinta River and its tributaries for the two companies after all prior rights have been satisfied. In the report on the Colorado Park Irrigation Company the irrigation engineer considers separately the water supply available from Uinta River above the point of its confluence with the Whiterocks River, one of its tributaries and the latter river inasmuch as the canals of this company are situated above the point where the two streams come together and are so arranged as to be able to use water from both streams.

In connection with the Colorado Park Irrigation Company it was found, in substance, that under the water rights of this company, namely, permit No. 1419 for 48 second-feet and permit No. 2043 for 42 second-feet, there would be sufficient water available from Uinta River alone to satisfy the 48 second-feet under permit No. 1419 for an average of about 19 days during the early part of the irrigation season in the 12 years for which water flow records of this stream are available and from Whiterocks River for an average of about 34 days during the early part of the season in the years 1902, 1903, 1909, 1910, 1922, and 1923, for which flow records are available and that while no water was available from the rivers taken separately to satisfy the 42 second-feet under permit No. 2043 there appeared to be sufficient water from the combined flow to satisfy this permit for an average of about 12 days during the early part of the season in the years 1902, 1903, 1909, 1910, 1922, and 1923, for which records are available. About 1,000 acres of land under this company's canals are receiving water for cultivation.

With reference to the Ouray Valley Irrigation Company the irrigation engineer found that under the water rights of this company, namely, permit No. 1820 for 68 second-feet and permit No. 3319 for 154 second-feet, there would be no water available to satisfy the 68 second-feet under permit No. 1820 from Uinta River, but that under permit No. 3319 which has a priority next to that of permit No. 1419 owned by the Colorado Park Irrigation Company, there would have been no year but what sufficient water could have been supplied from Whiterocks River to satisfy this permit for at least 15 to 40 days during the early part of the irrigation season. About 1,335 acres of land under this company's canals are receiving water for cultivation.

The irrigation engineer was of the opinion that there was a sufficient water supply available for each of the companies in question to guarantee the continued existence of their respective systems for irrigation purposes and recommended that water rights represented by stock in either company, together with laterals and canals constructed on the various entries be accepted as part or all of the \$1.25 per acre which must be expended toward the permanent agricultural development of the entry.

CONCLUSION.

After careful consideration this office has reached the conclusion that the recommendation of the irrigation engineer is supported by the facts set forth in his reports and the same is, therefore, adopted. Office order of March 29, 1922, supra, is accordingly hereby revoked and you will be governed by the following instructions:

Order No. 1.-- The additional facts reported by the irrigation engineer do not require a modification of the orders disapproving the Colorado Park Irrigation Company and the Ouray Valley Irrigation Company as sources of water supply above referred to and the same will be adhered to in dealing with desert-land cases claiming either of these companies as a source of water supply.

No. 2.-- You will accept and give credit for as a permanent improvement to any claimant submitting final proof under the last two paragraphs of the act of March 4, 1915, supra, the water right represented by any stock owned by said claimant in either of the companies mentioned as well as any canal owned by the claimant himself provided it be shown at the time of such final proof that the claimant in question is actually receiving some water to irrigate at least a portion of the land in his entry and that his water right and canals have been made actually conducive to the agricultural development of his entry.

The records of this office show that the following desert-land entries were suspended under office order of March 29, 1922:

Vernal 070	George E. Wilkins.
" 0269	William H. Donaldson.
" 0270	Maggie W. McNaughton.
" 0271	Roberta H. Leigh, assignee.
" 0743	Robert Bodily.
" 02184	Flora E. Collett.
" 02185	Anna H. Smart.
" 02241	Pontha Calder.
" 02242	Bruce Calder.
" 02263	William P. Hamilton, assignee.
" 02265	Benjamin Wilson.
" 02284	George E. Young.
" 02310	Mary A. Bracken.
" 02740	Paula M. Smart, assignee.
" 02837	Laura H. Pettit.
" 03618	Traverse Tucker, assignee.
" 03683	Albert E. Neslen.
" 04217	Rueben S. Collett.
" 05122	Harry H. Carlton.
" 05205	Elvira H. Lloyd.
" 05267	Bathsheba Larson.
" 05338	Mary Long.
" 03008	Louella C. Hamilton.

You will notify each of the claimants in the entries above listed as well as any others that may be disclosed by the records of your office of the action taken herein for which purpose mimeographed copies of this letter are being transmitted to you under separate cover.

Very respectfully,

GEORGE R. WICKHAM,

Acting Commissioner.

Approved: October 9, 1924.

E. C. FINNEY,

First Assistant Secretary.

Circular No. 967.

APPLICATIONS UNDER ACT OF JANUARY 27, 1922 (42 Stat., 359).

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DEPARTMENT OF THE INTERIOR

General Land Office

Washington

December 3, 1924.

Registers and Receivers,

United States Land Offices.

Gentlemen:

Under date of December 2, 1924, the Secretary of the Interior issued the following Administrative Ruling:

The act approved January 27, 1922 (42 Stat., 359), provides that in all cases where a final entry of public lands has been or may be hereafter canceled, and such entry is held by the Land Department or by a court of competent jurisdiction to have been confirmed under the proviso to section 7 of the act of March 3, 1891 (26 Stat., 1099), if the land has been disposed of to or appropriated by a claimant under the homestead or desert-land laws, or patented to a claimant under other public-land laws, the Secretary of the Interior is authorized, in his discretion, and under rules to be prescribed by him, to change the entry and transfer the payment to any other tract of surveyed public land, non-mineral in character, free from lawful claim, and otherwise subject to general disposition, provided that the entryman, his heirs, or assigns shall file a relinquishment of all right, title, and interest in and to the land originally entered. The act contains an inhibition against assigning or transferring any right or claim under the provisions of the act.

The debates in Congress, when the measure was pending, indicate that the object of the act was to afford protection to those persons who had entered the land after the cancellation of an entry as the result of proceedings instituted more than two years after the issuance of the receiver's receipt on final entry. In view of which, and of the discretion vested in the Secretary of the Interior by the act, and considering, also, that beneficiaries have had almost three years within which to present their claims, all applications thereunder filed after the date hereof will be treated as stale claims and rejected unless it appears that the statute of limitations of the State wherein

the entered land is situated does not bar an action by the entryman, his heirs, or assigns to have the present holder of the land declared a trustee thereof.

Applications under the act involving two or more incontiguous tracts will not be approved unless none of the tracts is part of an area approximately equal to that embraced in the canceled entry, and subject to entry.

One application under the act, even if for an area less than that to which the claimant is entitled, exhausts his rights under the act.

Very respectfully,

WILLIAM SPRY,

Commissioner.

Circular No. 968.

CALLING FOR REPORT TRAVEL EXPENSE VOUCHERS.

DEPARTMENT OF THE INTERIOR

General Land Office

Washington

December 10, 1924.

The Supervisor of Surveys,
Assistant Supervisors,
Surveyors General,
Chiefs of Field Divisions,
and Special Disbursing Agents.

Sirs:

Please report at once the number of blank vouchers for Services and Traveling and Other Expenses (Form 4-152) now on hand; the number that you can spare, or additional number you will need:

(1) If the use of this form is discontinued at the close of the calendar year, and

(2) If its use is discontinued at the end of the fiscal year, June 30, 1924.

A new standard form has been prepared but the office is permitted to use its present supply of the old form. However, when the use of the old form is discontinued in one field office or service it must be discontinued in all.

Very respectfully,

D. K. PARROTT,

Acting Assistant Commissioner.

Circular No. 969.

INSTRUCTIONS UNDER THE MINNESOTA DRAINAGE LAWS.

DEPARTMENT OF THE INTERIOR

General Land Office

Washington

December 9, 1924.

Registers and Receivers,

Cass Lake, Crookston, and Duluth, Minnesota.

Gentlemen:

The following instructions are issued under the act of May 20, 1908 (35 Stat., 169), known as the Volstead Act, being supplemental to Circular of Instructions No. 470, approved April 15, 1916 (45 L. D., 40), and the instructions dated August 13, 1918 (46 L. D., 438), relating to proceedings after expiration of the period of redemption.

September 4, 1924, the State Auditor of Minnesota was asked for an opinion upheld by decisions rendered by the courts of said State bearing upon the question of whether an entryman under certain circumstances specified in the letter has the right of redemption under the State laws relative to taxation. October 7, 1924, the Assistant Attorney General of Minnesota, to whom this matter was referred by the Auditor, rendered an opinion covering the points in question. From the acts of the State of Minnesota bearing on this matter and the decisions of the State courts referred to, it is found that evidence of redemption must be furnished in cases where land has been sold for drainage charges under the act of May 20, 1908:

- (1) When the State is a purchaser and there has been no assignment.
- (2) When the State purchased the land, but later assigned it and six years have not expired since date of assignment.
- (3) Where there is an actual purchaser, and six years have not expired since date of sale.

In the future you will reject any and all applications for homestead entry subject to the act of May 20, 1908 (35 Stat., 169), where evidence of redemption is required if the same is not filed in connection therewith.

Very respectfully,

Approved: December 9, 1924.

WILLIAM SPRY,

E. C. FINNEY,

First Assistant Secretary.

Commissioner.

Circular No. 970.

DEPARTMENT OF THE INTERIOR

General Land Office

"K" MX 1043565.

Washington

December 19, 1924.

REGULATIONS FOR THE DISPOSITION OF LAND IN FORT RANDALL
ABANDONED MILITARY RESERVATION,
SOUTH DAKOTA.

Register and Receiver,

Pierre, South Dakota.

Gentlemen:

The unallotted, unreserved, and unsold land within the abandoned Fort Randall Military Reservation, South Dakota, has been appraised as follows:

Township 95 N., R. 66 W., 5th P.M.

Lot 5 Sec. 2 (16.30 acres) at \$1.25 per acre.

Lot 7 Sec. 6 (27.80 acres) at \$1.25 per acre.

These lots will be offered for sale under the act of April 15, 1920 (41 Stat., 550), for cash at not less than the appraised value thereof at your office and under your supervision commencing at 10 o'clock a. m., on February 17, 1925.

Bids may be made in person or by agent but will not be received through the mail.

Purchasers will not be required to show qualifications as to age or citizenship, or to make any showing as to the amount or character or public lands theretofore acquired by them under any law.

Payment for the land must be made on the day of the sale. You will assign current serial numbers to each separate purchase, and upon payment in full, you will issue final cash certificates.

All persons are warned against entering into any agreement, combination, or conspiracy which will prevent any of said lands from selling advantageously, and all persons so offending will be prosecuted under section 59 of the United States Criminal Code.

You will post a copy hereof in your office and give as much publicity to the sale as possible as a matter of news without expense to the Government by forwarding a copy hereof to the post office nearest the land for posting therein for the information of the public, and by transmitting copies hereof or an item concerning the sale to the newspapers published nearest the land, being careful not to send such copies or items without calling the particular attention of the publisher to the fact that the same is sent as news and that the Government will not be responsible for the cost of any publication thereof.

Very respectfully,

WILLIAM SPRY,

Commissioner.

Approved: December 19, 1924.

E. C. FINNEY,

First Assistant Secretary.

REGULATIONS FOR THE SALE OF KIOWA, COMANCHE, AND APACHE INDIAN LANDS.

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DEPARTMENT OF THE INTERIOR

Washington

985739 "K" M.M.J.

December 20, 1924.

The Honorable,

The Commissioner of the

General Land Office:

My dear Mr. Commissioner:

You are directed to cause to be sold for cash at not less than \$1.25 per acre at public auction at the city of Lawton, in the State of Oklahoma, beginning on March 26, 1925, the unused, unallotted, unreserved lands and such portions of the school and agency lands as are no longer needed for administration purposes in the former Kiowa, Comanche, Apache, and Wichita Indian Reservations, in the State of Oklahoma under the acts of Congress, approved June 30, 1913 (38 Stat., 92), and March 3, 1919 (40 Stat., 1318).

2. Lands to be offered.--The lands for sale are listed below under the acts under which they will be sold. All the lands have been examined by the Geological Survey and a separate list is given under each act showing those which have been found to have a possible value for oil and gas deposits and which will be sold with a reservation of those deposits to the United States under the act of July 17, 1914 (38 Stat., 509). They will be offered for sale in accordance with the groupings given, but in case of the re-offering of any tract under Rule 6, the officer in charge of the sale may in his discretion modify the groupings of the tracts.

Non-Mineral Lands to be Sold Under the Act of June 30, 1913 (38 Stat., 92):

<u>Subdivision.</u>	<u>Sec.</u>	<u>T.</u>	<u>R.</u>	<u>Acres.</u>
SW $\frac{1}{4}$	15	4 N.	12 W.	160
NE $\frac{1}{4}$	30	5 N.	12 W.	160
Lot 1, S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$	5	2 N.	13 W.	158.65
Lot 4, SW $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$	5	2 N.	13 W.	158.27
Lot 1, SE $\frac{1}{4}$ NE $\frac{1}{4}$	6	2 N.	13 W.	78.63
E $\frac{1}{2}$ NW $\frac{1}{4}$	20	3 N.	13 W.	80
NW $\frac{1}{4}$	17	4 N.	13 W.	160
N $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$	17	4 N.	13 W.	120
N $\frac{1}{2}$ NW $\frac{1}{4}$	23	4 N.	13 W.	80
N $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$	14	5 N.	13 W.	120
NE $\frac{1}{4}$	15	5 N.	13 W.	160

<u>Subdivision.</u>	<u>Sec.</u>	<u>T.</u>	<u>R.</u>	<u>Acres.</u>
NW $\frac{1}{4}$	32	5 N.	13 W.	160
Lots 1 and 2, S $\frac{1}{2}$ NE $\frac{1}{4}$	1	2 N.	14 W.	159
E $\frac{1}{2}$ SE $\frac{1}{4}$	1	4 N.	14 W.	80
W $\frac{1}{2}$ SW $\frac{1}{4}$	23	5 N.	14 W.	80
E $\frac{1}{2}$ SW $\frac{1}{4}$, lots 3 and 4	31	5 N.	14 W.	163.71
Lots 2 and 3, SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$	5	4 N.	15 W.	160.64
SW $\frac{1}{4}$	5	4 N.	15 W.	160
Lots 1, 2, 7, 8	7	4 N.	15 W.	153.68
NW $\frac{1}{4}$	8	4 N.	15 W.	160
N $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$	11	5 N.	15 W.	120
SW $\frac{1}{4}$ NW $\frac{1}{4}$	12	5 N.	15 W.	40
NE $\frac{1}{4}$	31	5 N.	15 W.	160
SE $\frac{1}{4}$	31	5 N.	15 W.	160
NE $\frac{1}{4}$ SW $\frac{1}{4}$	18	2 N.	16 W.	40
NW $\frac{1}{4}$ NW $\frac{1}{4}$	22	2 N.	16 W.	40
SW $\frac{1}{4}$	10	3 N.	17 W.	160
N $\frac{1}{2}$ NW $\frac{1}{4}$	14	5 N.	17 W.	80
SE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$	20	3 N.	18 W.	120
S $\frac{1}{2}$ NE $\frac{1}{4}$	29	3 N.	18 W.	80
Lots 5 and 6, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$	6	4 N.	19 W.	136.56
SW $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$	31	5 N.	19 W.	120
N $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$	12	4 N.	20 W.	120

Lands Prospectively Valuable for Oil and Gas to be Sold Under the
Act of June 30, 1913. Oil and Gas Deposits to be Reserved
Under the Act of July 17, 1914 (38 Stat., 509):

<u>Subdivision:</u>	<u>Sec.</u>	<u>T.</u>	<u>R.</u>	<u>Acres.</u>
Lot 2	9	11 N.	8 W.	25.30
Lot 7	8	12 N.	10 W.	30.25
Lots 4 and 5	27	12 N.	10 W.	93.05
Lots 2 "a" 2 "c"	2	12 N.	11 W.	21.21
S $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$	8	2 N.	12 W.	20
Lots 7, 8, S $\frac{1}{2}$ SW $\frac{1}{4}$ *	34	13 N.	12 W.	177.55
Lots 2, 3, and 4	11	13 N.	13 W.	74.90
Lots 1 ("a" 3.00), 2("a" 2.17)	17	14 N.	13 W.	5.17
N $\frac{1}{2}$ SE $\frac{1}{4}$	7	1 N.	18 W.	80
Lot 3	33	2 N.	18 W.	6.15
Lot 4	1	3 N.	19 W.	25.60
Lot 1	8	4 N.	19 W.	8
Lots 3 and 4	4	6 N.	20 W.	51.13
Lots 14("a" 1.93), 19("a" 4.78)	32	6 N.	20 W.	6.71
Lot 3	11	6 S.	9 W.	39.10
S $\frac{1}{2}$ SE $\frac{1}{4}$ ("a" 35.44)	10	4 S.	17 W.	35.44
NE $\frac{1}{4}$ NE $\frac{1}{4}$ ("a" 0.27)	15	4 S.	17 W.	0.27
Lot 12	30	1 S.	19 W.	28.44
Lots 3 and 4	6	2 S.	19 W.	35.81

*Subject to right of way of the Choctaw, Oklahoma and Gulf Railroad Company,
acts, February 18, 1888 and March 26, 1900.

Non-Mineral Lands to be Sold Under the Act of March 3, 1919 (40 Stat., 1318):

<u>Subdivision.</u>	<u>Sec.</u>	<u>T.</u>	<u>R.</u>	<u>Acres.</u>
SE $\frac{1}{4}$ SE $\frac{1}{4}$	1	5 N.	19 W.	40

Lands Prospectively Valuable for Oil and Gas to be Sold Under the Act of March 3, 1919. Oil and Gas Deposits to be Reserved Under the Act of July 17, 1914 (38 Stat., 509):

<u>Subdivision.</u>	<u>Sec.</u>	<u>T.</u>	<u>R.</u>	<u>Acres.</u>
Lots 1 and 2, NE $\frac{1}{4}$ SE $\frac{1}{4}$	2	5 S.	11 W.	88.40
NE $\frac{1}{4}$	10	2 S.	12 W.	160
SE $\frac{1}{4}$	28	3 S.	15 W.	160

3. Qualifications and Restrictions.--Purchasers are not required to show any qualifications as to age, citizenship, or otherwise, or to reside upon, improve, or cultivate the lands sold to them.

4. Bids by Agents, etc.--Bids and payments may be made either through agents or in person, but no bid of less than \$1.25 per acre will be received. Bids will not be considered if made through the mail or at any time or place other than the time and place at which said tracts are offered for sale.

5. Payments and Forfeitures.--All successful bidders to whom tracts are awarded must, on or before 4 o'clock, p. m., on the day on which awards are made to them, pay one-fourth of the total amount bid by them for such tracts, the balance to be paid in four equal, annual installments with interest at 4 per cent per annum on deferred payments. Any bidder who fails to make payment of one-fourth of the amount of his bid within the time required, will not thereafter be permitted to pay for the tract or bid on any other tracts. Any purchaser at the sale who fails to pay the annual installments, with interest at 4 per cent per annum, when due, will forfeit the amount already paid, and such failure will be a sufficient cause for cancellation of his purchase.

6. Lands Re-offered.--All tracts awarded to persons who fail to make payment therefor, and all tracts which shall not be sold when first offered, will be re-offered for sale after all of said lands have been once offered, or at any time during the sale when the officer in charge thinks best.

7. Combinations in restraint of the sale are forbidden by section 2375 of the U. S. Revised Statutes, which reads as follows:

Every person who, before or at the time of the public sale of any of the lands of the United States, bargains, contracts, or agrees, or attempts to bargain, contract, or agree with any other person, that the last-named person shall not bid upon or purchase the lands so offered for sale, or any parcel thereof, or who by intimidation, combination, or unfair management, hinders or prevents, or attempts to hinder or prevent any person from bidding upon or purchasing any tract of land so offered for sale, shall be fined not more than one thousand dollars, or imprisoned not more than two years, or both.

8. Suspension or Postponement of Sale.--If at any time it becomes evident that there is a combination among bidders or any other cause which effectually suppresses competition, or if for any other cause it shall seem advisable, the officer in charge may suspend the sale temporarily or postpone it indefinitely, and if in his judgment the highest bid offered for any tract is below its reasonable cash value, he may reject all bids and reoffer the tract for sale as herein provided.

9. Disposition of Proceeds.--The proceeds received from the lands sold under the act of June 30, 1913 (38 Stat., 92), will be deposited in the United States Treasury to the credit of the Kiowa Agency Hospital Fund. The amounts received from the lands sold under the act of March 3, 1919 (40 Stat., 1318), will be deposited in the United States Treasury to the credit of the Kiowa, Comanche, and Apache Indians.

Very truly yours,

E. C. PINNEY,

First Assistant Secretary.

CIRCULAR NO. 973.

ACCOUNTS: TRAVEL EXPENSE.

DEPARTMENT OF THE INTERIOR

General Land Office

Washington

December 22, 1924.

Surveyors General,
Chiefs of Field Divisions,
Assistant Supervisors, and others.

Sirs:

Circular No. 459 is superseded by the provisions of Circular No. 616, and paragraph 233 of the latter is hereby amended to read:

233. Special Conveyances.--Hire of special conveyances, such as taxicabs or other automobiles, livery, or boat, only when no public or regular means of transportation are available and the necessary incidental expenses connected therewith, such as feed and stabling of horses and the subsistence of driver, ferriage, and tolls. Also, services of and subsistence of guide when no driver is employed. If the charges for special conveyance include feed and stabling of horses and subsistence of driver, or any such items, the principal voucher or subvoucher must so state. Competition should be invited in connection with the hire of special transportation, especially if services are to be continued for any considerable period, and if in rare instances it is necessary to exceed a rate of \$20 per day the excess amounts must not be paid until full explanation has been submitted to the Commissioner and received his approval.

Very respectfully,

WILLIAM SPRY,

Approved: December 22, 1924.

Commissioner.

E. C. FINNEY,

First Assistant Secretary.

VACANT PUBLIC LANDS ON JULY 1, 1924.

(Circular No. 959.)

This year the vacant land circular contains for the first time a supplement showing the number and area of unperfected entries on July 1. This has been accomplished without increasing the size of the circular. The data were procured primarily to enable this office to promptly comply with numerous requests for such information in connection with the preparation of the Department of the Interior appropriation bill. In past years it has been necessary to obtain this information whenever desired by wire to the particular land office involved.

As a general proposition the area embraced in unperfected entries is equal to about 25 per cent of the area of vacant public land. Some land districts show a greater or a less ratio and some show a greater area in unperfected entries than in vacant land; others show approximately the same acreage in vacant land and unperfected entries.

Phoenix, Arizona; Los Angeles, California; Glenwood Springs and Pueblo, Colorado; Blackfoot and Boise, Idaho; Glasgow, Helena, and Miles City, Montana; Roswell and Santa Fe, New Mexico; Salt Lake City, Utah; and Buffalo, Cheyenne, Douglas, and Newcastle, Wyoming, have a considerable number of entries upon which final proof is not yet due or has not been presented. Santa Fe leads, with 5,596 pending entries and almost 2,000,000 acres of land involved therein, with Miles City, Montana, and Douglas, Wyoming, practically tied for second place.

The area of vacant public land is not a true indication of the amount of business to be handled by this office. The pending entries will be the subject of consideration when final proof is due or submitted. Since a certain percentage of the entries will never be perfected and others will fall short of full compliance with the law, there is annually a certain acreage added to the then existing vacant public land. These figures indicate that the General Land Office has not yet reached the point where it may no longer be considered as a going concern. As the result of its operations the General Land Office deposited in the Treasury last fiscal year over \$16,000,000, of which more than \$13,000,000 was for the benefit of special purposes such as the reclamation fund, State fund, and Indian trust funds. The balance of over \$2,000,000, which was deposited to the credit of the general fund subject to appropriation by Congress, practically counterbalanced the expenditures for cost of operation.

RESERVATION OF ISLANDS IN COASTAL WATERS OF FLORIDA.

Reservation from settlement of all islands belonging to the Government situated in the waters off the coast or in the coastal waters of Florida was authorized by an executive order made public December 11, 1924.

Issued on the recommendation of the Secretary of the Interior and the Commissioner of the General Land Office the reason for the order is to prevent the islands from being acquired by private individuals for land speculative purposes.

With the recent growth of Florida as a winter resort it is believed many of these islands formerly considered worthless, have now or will become in the future very valuable. According to the order, they are withdrawn from settlement, location, sale, entry and all forms of appropriation under the present land laws. The withdrawal, however, is subject to any valid existing rights on the islands. The Interior Department announced in connection with the executive order that the islands will be classified and that new legislation may be proposed in regard to the manner of their future disposition.

Last year through an auction sale of a block of 40 acres of public land, known as "Harding Townsite" near Miami Beach, Florida, the Government received approximately \$400,000 for the property.

RECENT EXECUTIVE RESERVATIONS.

By recent executive orders the following areas have been set aside for the public purposes specified:

Portions of the abandoned military reservations of New Dungeness and San Juan Island, Washington, for use by the Navy Department as sites for Naval Radio Compass stations;

All islands belonging to the United States in Florida situated in waters off the coast or in coastal waters of the State, subject to valid existing claims, for classification and in aid of legislation;

82.36 acres in Washington, Waterville land district, in aid of legislation to grant the same to the State for park and recreational purposes, proposed in S. 3678;

168.78 acres in San Francisco land district, California, for classification and in aid of legislation to authorize its use for recreational purposes.

By proclamation of December 9, approximately 2,240 acres in Arizona were reserved as the Wupatki National Monument. This area is located about 30 miles northeast of Flagstaff and contains two groups of prehistoric ruins built by the ancestors of the Hopi Indians, or "People of Peace."

An addition of 480 acres was made to the Harney National Forest, in South Dakota, under the general forest reservation law by recent proclamation, and under authority of a special act 17,978 acres were added to the Targhee National Forest, in Idaho, by proclamation.

OIL AND GAS ACTIVITIES.

During the month of December the division handling oil and gas permits under sections 13 and 20 of the leasing act received 221 new cases and 1,630 cases for reconsideration. Permits were granted in 160 cases; 158 applications were finally rejected, and 85 were finally rejected in part; 264 applications were rejected subject to appeal and 19 were rejected in part subject to appeal; 274 extensions of time were acted upon, and 59 assignments were disposed of. In 74 cases permits were held for cancellation and 3 permits were canceled. Departmental decisions were promulgated in 25 cases, 19 affirming, 3 reversing, and 3 modifying decisions of this office; 293 applications were examined and reports thereon were called for from the Geological Survey and Reclamation Service, and 555 Geological Survey reports were received. Two thousand two hundred twenty-eight letters were written of which 283 were replies to inquiries.

Under the "Relief" sections of the act and other sections providing for the issuance of leases, preliminary action was taken on 3 lease applications, 6 leases were transmitted to the Secretary for approval, and 1 permit under section 19 was granted; 12 applications were rejected subject to appeal, and 4 were finally rejected; 3 extensions of time were acted upon, and 1 assignment was disposed of, and 1 permit was canceled in part. One departmental decision was promulgated affirming this office, and miscellaneous actions including sales contracts, bonds, etc., were taken on 16 applications; 68 letters were written, of which 29 were replies to inquiries. The total number of applications received for reconsideration during the month was 88, an increase of 7 over last month.

MINERAL LEASING RECEIPTS.

Receipts under the mineral-leasing act of February 25, 1920, for the month of November amounted to \$645,192.46, all from lands outside of naval reserves.

DEPARTMENT OF THE INTERIOR
General Land Office
Washington

1078291

PUBLIC LANDS RESTORED TO HOMESTEAD ENTRY AND OTHER DISPOSITION
BY PROCLAMATION, EXECUTIVE OR DEPARTMENTAL ORDER.

Preference Rights to Ex-Service Men of the War with Germany.

General Method of Opening:

By virtue of Public Resolution No. 29, of February 14, 1920 (41 Stat., 434), as amended by Public Resolutions Nos. 36 and 79, approved January 21 and December 28, 1922, respectively, hereafter and until February 15, 1930, when any surveyed lands within the provisions of the public resolutions are opened or restored to disposition under the authority of the Department, such lands, unless otherwise provided in the order of restoration, shall become subject to appropriation under the laws applicable thereto in the following manner, and not otherwise:

Lands not affected by the preference rights conferred by the acts of August 18, 1894 (28 Stat., 394), or June 11, 1906 (34 Stat., 233), or February 14, 1920 (41 Stat., 407), will be subject to entry by soldiers under the homestead and desert-land laws, where both of said laws are applicable, or under the homestead law only, as the case may be, for a period of 91 days, beginning with the date of the filing of the township plat in the case of surveys or resurveys, and with the date specified in the order of restoration in all other cases, and thereafter to disposition under all of the public land laws, applicable thereto, except where homestead entrymen are granted a prior preference period under the order. For a period of 20 days and for a like period prior to the date or dates such lands become subject to entry by the general public, soldiers in the first instance, and any qualified applicants in the second, may execute and file their applications, and all such applications presented within such 20-day periods, together with those offered at 9 o'clock a. m., standard time, on the dates such lands become subject to appropriation under such applications, shall be treated as filed simultaneously.

Unsurveyed lands are not subject to homestead or desert-land entry. A homestead entry may embrace 160 acres, or an approximation thereof, and where the lands are of the character contemplated by the 320 or 640 acres homestead acts, applications for the unappropriated lands may be filed by qualified persons, under either of said acts; accompanied by proper petitions, if undesignated, for the designation of lands thereunder, and such applications will be suspended pending determination as to the character of such lands.

The following are restorations or openings which will occur in the near future and concerning which further information may be obtained from the local offices:

LANDS OPENED TO ENTRY AFTER APPROVAL OF LIEU LANDS TO THE STATE.

(469)

NEW MEXICO:

The following land within the Santa Fe land district will be open to homestead and desert-land entry, beginning January 3, 1925, for a period of 91 days to ex-service men of the World War, subject, however, to valid prior settlement rights or equitable claims recognized by existing laws:

SANTA FE LAND DISTRICT.

NEW MEXICO PRINCIPAL MERIDIAN.

<u>Subdivisions.</u>	<u>Section.</u>	<u>Township.</u>	<u>Range.</u>	<u>Acres.</u>
Lots 3 and 4,	2	12 N.	19 W.	73.98

Filings may be presented during the twenty days preceding that date, or from December 13, 1924, to January 2, 1925, inclusive. The land, if remaining unentered after the expiration of the 91 days; that is, beginning April 4, 1925, will be open to appropriation under any applicable public land law.

By the certification of December 6, 1924, to the state of clear list No. 175, approved December 1, 1924, of indemnity school land selected in lieu of the above-described school section land which was within a national forest at the time of selection of indemnity land, but was eliminated from the national forest boundaries after timely completion of selection, all claim of the State to such school land terminated.

FROM SEGREGATION UNDER THE CAREY ACT.

(470)

UTAH:

Twenty-nine thousand eight hundred and nineteen and ninety-five hundredths acres in Emory County, Salt Lake City land district, opened to entry under the homestead and desert-land laws by ex-service men of the World War, beginning January 14, 1925, and opened to entry by the general public under any applicable public land law, beginning April 15, 1925.

All the land has been released from segregation for Carey Act purposes. It has an average elevation of about 5,500 feet. The yearly rainfall in the vicinity does not average more than about 9 inches which is not enough for the successful production of crops. The land will not graze more than 20 head of cattle per section for a 7-months season. Some of the soils are rather poor and some are a sandy loam with a medium stand of palatable grass, most of the lands are fertile and physically susceptible of cultivation.

FROM STOCK DRIVEWAY WITHDRAWAL.

(471)

WYOMING:

Three hundred forty-two and sixty-five one hundredths acres in Park County, Lander land district, opened to entry only by ex-service men of the war with Germany under the homestead and desert-land laws for a period of 91 days,

beginning January 20, 1925. Applications of ex-service men may be presented at any time within the 20 days prior to said date. On and after April 21, 1925, the land if unentered will be subject to appropriation under any applicable public land law by the general public.

The land is released from stock driveway withdrawal, is mountainous and located about 25 miles northwest from the town of Cody. Further information, if desired, may be obtained from the United States land office at Lander, Wyoming.

(472)

OPEN TO ENTRY THROUGH SURVEYS AND RESURVEYS.

NEW MEXICO:

UTAH:

WYOMING:

The official plats of the survey of public lands have been transmitted to surveyors general with instructions to transmit copies thereof to United States land offices for official filing, as follows:

Ts. 18, 19, and 20 N., R. 4 W., N. M. P. M., New Mexico, with letter dated November 22, 1924, approximately 41,000 acres; United States land office at Santa Fe.

T. 3 S., R. 18 W.; T. 26 S., R. 15 W.; T. 28 S., R. 19 W., and fractional T. 28 S., R. 20 W., S. L. M., Utah, were surveyed upon application of the State, act of August 18, 1894, and the public lands involved have been withdrawn for 60 days after the date of filing of the plats during which period the State has a preference right to select lands therein in satisfaction of public land grants, which lands aggregate about 64,000 acres. Plats were transmitted with letter of December 9, 1924; United States land office at Salt Lake City.

Fractional T. 58 N., R. 77 W., 6th P. M., Wyoming, with letter dated December 13, 1924, approximately 2,000 acres of public land subject to entry; United States land office at Buffalo.

The dates of filing will be fixed by the Registers of the several offices, and the public lands indicated will be opened to entry and, subject to prior valid settlement rights and equitable claims, ex-service men of the World War will be entitled to a preference right to enter these lands under the homestead and desert-land laws for a period of 91 days, beginning with the date of filing of the plats under Public Resolutions Nos. 36 and 79, dated January 21 and December 28, 1922, respectively, except as to the lands in Utah, in which the State has a preference right of selection for 60 days; thereafter the preference right of the ex-service men will apply for lands not selected by the State. All lands will be opened to general disposition at the expiration of the preference periods indicated.

The lands in New Mexico are rolling prairie or rough mesa cut by small canyons. The soil on the prairie is generally a sand loam, second and third rates; on the rougher mesa lands more clay and somewhat rocky, with scattering pinon and cedar timber. A fair growth of grasses on all lands furnish grazing for stock. The rainfall appears to be sufficient for dry farming in this section.

In Utah the lands vary from rolling bench to rough and mountainous, except in T. 3 S., R. 18 W., which is a level alkali desert, destitute of any vegetation except a scant growth of salt brush. Most of the other lands afford excellent grazing for stock, with scrub timber on the rougher portions.

Fractional T. 58 N., R. 77 W., Wyoming, is rolling and broken and used as range for cattle. There is some timber in the southeast portion, and indications of coal throughout the township. The soil is a composition of sand and gumbo, second and third rates.

CONSOLIDATED WORK REPORT OF LOCAL LAND OFFICES FOR THE MONTH OF
NOVEMBER, 1924.

OFFICES.	Received and Disposed of.						
	End Last Month.						
	End of This Month.						
	Pend- ing desig- nation.	Sus- pend- ed re- jected other- wise.	Pend- ing un- acted on by R.&R.	Rec'd. in this month.	Trans- mitted to GLO. this month.	Now Pend- ing desig- na- tion.	Now sus- pend- ed re- jected other- wise.
Alabama							
Montgomery		12		7	7		12
Arizona							
Phoenix	128	178		207	208	141	164
Arkansas							
Harrison		22		47	41		28
Little Rock		208		72	82		198
California							
El Centro	4	41		29	33	4	37
Eureka	52	4		15	12	52	7
Independence	27	79		46	58	29	65
Los Angeles	46	114		117	133	44	100
Sacramento	51	67		36	49	41	64
San Francisco	78	27		79	74	68	42
Susanville	19	20		26	31	21	13
Visalia (a)							
Colorado							
Del Norte	27	7		14	14	30	4
Denver	48	44		55	52	51	44
Durango	10	17		26	30	8	15
Glenwood Springs	180	371		161	207	183	322
Lamar	36	35	1	36	46	36	25
Leadville	5	27		15	21	5	21
Montrose	153	154		110	152	151	114
Pueblo	179	131		101	89	191	131
Sterling	14	12		35	15	14	32
Florida							
Gainesville		20	49	75	80		17
Idaho							
Blackfoot	45	65		58	59	51	58
Boise	63	46		72	68	67	46
Coeur d'Alene	1	16		10	8	1	18
Hailey	59	80		42	52	65	64
Lewiston	10	19		13	6	15	21

Kansas	:	:	:	:	:	:	:	:
Topeka	:	26 :	7 :	:	4 :	7 :	24 :	6 :
Louisiana	:	:	:	:	:	:	:	:
Baton Rouge	:	:	30 :	:	20 :	33 :	:	17 :
Michigan	:	:	:	:	:	:	:	:
Marquette	:	:	12 :	:	21 :	17 :	:	16 :
Minnesota	:	:	:	:	:	:	:	:
Cass Lake	:	:	6 :	:	13 :	15 :	:	4 :
Crookston	:	:	18 :	:	30 :	26 :	:	22 :
Duluth	:	:	6 :	:	25 :	26 :	:	5 :
Mississippi	:	:	:	:	:	:	:	:
Jackson	:	:	11 :	:	22 :	19 :	:	14 :
Montana	:	:	:	:	:	:	:	:
Billings	:	12 :	14 :	:	15 :	16 :	10 :	15 :
Bozeman	:	59 :	51 :	:	46 :	49 :	59 :	48 :
Glasgow	:	80 :	55 :	:	117 :	104 :	83 :	65 :
Great Falls	:	21 :	35 :	:	41 :	38 :	22 :	37 :
Havre	:	47 :	74 :	:	71 :	78 :	48 :	66 :
Helena	:	95 :	47 :	:	64 :	65 :	97 :	44 :
Kalispell	:	:	4 :	:	7 :	8 :	:	3 :
Lewistown	:	88 :	24 :	:	39 :	41 :	93 :	17 :
Miles City	:	187 :	100 :	:	142 :	121 :	195 :	113 :
Missoula	:	4 :	14 :	:	14 :	22 :	3 :	7 :
Nebraska	:	:	:	:	:	:	:	:
Alliance	:	30 :	3 :	:	14 :	12 :	32 :	3 :
Lincoln	:	22 :	5 :	:	9 :	5 :	22 :	9 :
Nevada	:	:	:	:	:	:	:	:
Carson City	:	25 :	113 :	:	45 :	41 :	25 :	117 :
Elko	:	38 :	34 :	:	26 :	35 :	39 :	24 :
New Mexico	:	:	:	:	:	:	:	:
Clayton	:	64 :	28 :	:	25 :	34 :	45 :	38 :
Ft. Sumner	:	26 :	23 :	:	37 :	44 :	21 :	21 :
Las Cruces	:	22 :	71 :	:	83 :	76 :	23 :	77 :
Roswell	:	65 :	70 :	:	156 :	179 :	59 :	53 :
Santa Fe	:	57 :	204 :	:	183 :	171 :	68 :	205 :
North Dakota	:	:	:	:	:	:	:	:
Bismarck	:	17 :	24 :	:	23 :	20 :	15 :	29 :
Dickinson	:	7 :	8 :	:	11 :	11 :	7 :	8 :
Oklahoma	:	:	:	:	:	:	:	:
Guthrie	:	19 :	5 :	:	21 :	18 :	19 :	8 :
Oregon	:	:	:	:	:	:	:	:
Burns	:	20 :	19 :	:	26 :	29 :	22 :	14 :
La Grande	:	60 :	67 :	:	37 :	47 :	60 :	57 :
Lakeview	:	44 :	63 :	:	20 :	26 :	46 :	55 :
Portland	:	:	3 :	:	24 :	25 :	:	2 :
Roseburg	:	:	42 :	:	64 :	67 :	:	39 :
The Dalles	:	62 :	38 :	:	53 :	53 :	63 :	37 :
Vale	:	10 :	70 :	:	14 :	19 :	9 :	66 :

South Dakota	:	:	:	:	:	:	:	:									
Bellefourche	:	4	:	9	:	37	:	37	:	4	:	9	:				
Pierre	:	41	:	38	:	42	:	46	:	41	:	34	:				
Rapid City	:	18	:	23	:	59	:	58	:	19	:	23	:				
Utah	:	:	:	:	:	:	:	:	:	:	:	:	:				
Salt Lake City	:	307	:	293	:	190	:	232	:	318	:	240	:				
Vernal	:	21	:	58	:	25	:	20	:	24	:	60	:				
Washington	:	:	:	:	:	:	:	:	:	:	:	:	:				
Seattle	:	:	:	10	:	4	:	8	:	:	:	6	:				
Spokane	:	10	:	25	:	21	:	17	:	10	:	29	:				
Vancouver	:	1	:	4	:	6	:	6	:	1	:	4	:				
Walla Walla	:	13	:	10	:	11	:	8	:	13	:	13	:				
Waterville	:	14	:	25	:	19	:	21	:	13	:	24	:				
Yakima	:	5	:	1	:	10	:	10	:	6	:	:	:				
Wisconsin	:	:	:	:	:	:	:	:	:	:	:	:	:				
Wausau	:	:	:	2	:	7	:	5	:	:	:	4	:				
Wyoming	:	:	:	:	:	:	:	:	:	:	:	:	:				
Buffalo	:	81	:	52	:	88	:	77	:	88	:	56	:				
Cheyenne	:	49	:	117	:	104	:	115	:	58	:	97	:				
Douglas	:	20	:	99	:	166	:	159	:	22	:	104	:				
Evanston	:	32	:	90	:	34	:	64	:	32	:	60	:				
Lander	:	29	:	26	:	56	:	57	:	29	:	25	:				
Newcastle	:	45	:	89	:	101	:	96	:	47	:	92	:				
Total,	:	3,132	:	4,185	:	50	:	4,046	:	4,260	:	3,202	:	3,903	:	48	:
	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:

(a) No report received from this office.

ADMITTED TO PRACTICE IN COURT OF APPEALS.

Mr. W. D. Hathaway of the Board of Law Review, General Land Office, was admitted to practice in the Court of Appeals, District of Columbia, December 9, 1924.

CONSOLIDATION OF OFFICES OF REGISTER AND RECEIVER, AT LA GRANDE, OREGON.

Mr. Carl G. Helm, the register at La Grande, Oregon, having tendered his resignation, the offices of register and receiver have been consolidated under the act of June 5, 1924 (Public 199), and the act of October 28, 1921 (42 Stat., 208), by departmental order of November 19, 1924, effective January 18, 1925. Mr. John H. Peare, the present receiver, has been commissioned as register, effective January 18, 1925. Mr. George Carpy has been designated as acting register under the act of October 28, 1921, effective upon the consolidation of the offices of register and receiver.

RESIGNATION.

Mr Claude C. Turner, register at Dickinson, North Dakota, has submitted his resignation, effective January 6, 1925.

RE-APPOINTMENTS.

The following registers serving under recess appointments have been regularly appointed under commissions dated December 9, 1924:

Charles E. Player,	Independence, California.
William H. Dickinson,	Lander, Wyoming.
James J. Donegan,	Burns, Oregon.
William H. H. Hickman,	Eureka, California.

TELL THE BULLETIN.

To All Local Offices and Field Service Employees:

If anything occurs, in the public land service, which you think is of administrative value, tell us about it. Address all communications to the Commissioner of the General Land Office, "Land Service Bulletin." All information should be received not later than the 24th of each month for use in the current number.

LAND SERVICE BULLETIN

DEPARTMENT OF THE INTERIOR GENERAL LAND OFFICE

By direction of the Secretary of the Interior the matter contained herein is published as administrative information and is required for the proper transaction of public business.

Vol. 8,

February 1, 1925.

No. 12.

INCREASED ANNUITIES UNDER THE RETIREMENT ACT.

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Secretary of Interior Work has announced that the members of the President's Cabinet favored increased annuities for retired Government employees, and, further, the Secretary expressed the hope that Congress at the present session would come to the assistance of the retired Federal workers by enacting legislation which will increase their annuities under the Retirement Law.

In a letter to the chairman of the Senate Committee on Civil Service, Secretary Work pointed out that the balance accumulated in the retirement fund had increased beyond original estimates and that more liberal payments would relieve actual distress existing in many cases. His recommendation in full follows:

"I am authorized to state that the members of the President's Cabinet favor increased annuities for retired Government employees, and hope that Congress at the present session will come to the assistance of the thousands of retired Federal workers by increasing their annuities under the retirement law.

"The average annual rate paid annuitants under the present law is \$546.30. About one-third of the total of 10,548 annuitants receive a maximum of \$720; almost another third receive less than \$432; while the lowest annuity now being paid is \$30.60 per annum.

"The retirement fund from which these annuities are paid has been created by deductions withheld from the salaries of the employees themselves for this purpose. It is their own money. The Government so far has not been called upon to appropriate for the support of the retirement fund, and the time when such paternalistic assistance will become necessary by reason of the depletion of the fund is not yet in sight.

"Before the passage of the present law it was estimated that ten years would elapse before additions to the retirement fund by Government appropriation would become necessary. The Board of Actuaries now report that this estimate was too conservative, and announce that the fund will survive as at present maintained for a longer period.

"The actual time when Federal assistance will be required, however, can not be determined from available records, but that the self-sustaining period under the present plan will be considerably prolonged over the original estimate can not be doubted upon an examination of the condition of the fund after almost five years' operation.

"The amount placed in the fund during the first fiscal year (1921) was \$12,586,389.37; the balance at the end of the year, after all claims had been met, was \$9,672,842.03. This balance has increased to \$33,586,193.19 for the fiscal year 1924; and it is estimated that on July 1, 1925, there will be at least \$42,000,000 in the fund, despite the greater drafts upon it by reason of the increasing number of annuitants.

"Several factors contribute to delay the period when Government assistance may become necessary. One of them was the increase in salaries in the postal service, which netted many thousands of dollars annually not previously estimated. The more recent general increase in Government salaries provided by the Reclassification Act will also result in larger accretions to the Retirement Fund in the future. It is believed that more than \$1,000,000 will be added to the fund annually, over the normal increase, prior to the operation of the Reclassification law on July 1, 1924.

"The recent decision of the Attorney General, bringing employees possessing a classified status, but holding unclassified positions within the scope of the Retirement Act, will likewise result in large additions to the fund. Practically all such employees are receiving the higher rates of pay, and the amount of their contributions per capita will be proportionately greater.

"More liberal retirement annuities would relieve actual distress now existing in many cases, and for humanitarian reasons, if for no other, the Government should provide a more suitable retirement pay than the present annuity, which is often insufficient to meet the necessities of existence.

"From an administrative standpoint, the effect of an increase in annuities would operate to the benefit of the Government by lessening the pressure for retention in the service of employees who have reached the retirement age, but whose resources do not permit them to face the future on the present slender retirement pay with equanimity."

SURVEY NOTES.

Survey Abandoned Military Reservation, Florida.--Instructions have just been approved for the subdivision of Virginia Key and Key Biscayne abandoned military reservations, Florida, looking to the disposal of the lands under the provisions of the act of July 5, 1884 (20 Stat., 103). Virginia Key abandoned military reservation includes about 66 acres and lies in front of Miami, Florida, across Biscayne Bay and enjoys an excellent ocean front. Because of its location it has been thought best to subdivide the lands along the ridge fronting the ocean and Bear Cut into town lots approximately 100 feet wide. The back lands which are much lower in elevation and covered with a dense mangrove growth will be divided into villa tracts of about 1 acre each. Key Biscayne reservation contains but about 7 acres and lies to the south of Virginia Key. It also has an excellent ocean front, and will be divided into lots averaging 130 feet wide. The field work on the survey of these two reservations commenced immediately upon the approval of the instructions and as an incident thereto each resulting subdivision will be appraised. An unsurveyed area within the limits of Key Biscayne reservation will be examined for the purpose of determining from the best evidence obtainable whether it was in existence above mean high tide in 1845 when Florida was admitted into the Union and therefore subject to survey and disposal as a part of the reservation.

At the rate ocean front lots are selling in private projects in this general locality, it is anticipated that the sale of the lands will rival the Harding Townsite, Florida, which yielded approximately \$400,000.

Standards of Measurement.--In the survey of the public lands present methods require the use of steel tapes, properly lined and stretched, in making linear measurements. The tapes are graduated to chains and links, the chain unit being especially convenient in taking measurements in miles and fractions of miles and in computing areas in acres.

The unit of measurement is the invention of Edmund Gunter, an English astronomer of the seventeenth century. A chain is 66 feet in length and is divided into 100 links of 7.92 inches each. One mile is equal to 80 chains and an acre is equal to 10 square chains.

Under existing regulations each surveyor is provided with a standard steel tape for comparison with the tape used in the actual surveys in the field. These standard tapes are compared with a master tape tested at the Bureau of Standards at a temperature of 68° Fahrenheit under a tension of 10 pounds avoirdupois. The last master tape tested by the Bureau of Standards in July, 1924, was found to be 66.005 feet in length.

Measurements in the field are made on the slope, the vertical angle is measured, and the true horizontal distance carefully determined.

Contrasting these present safeguards to insure the accuracy of our measuring instruments and methods with those in vogue in the earlier activities of the surveying service, the following quotation is taken from the earliest printed instructions on record in the General Land Office for the survey of the public lands of the United States.

The method of measurement required by these instructions was the only approved method at that time and for many years afterward, and it is interesting to note that the surveyor, even at that early date, appreciated the fact that better results might be obtained by slope measurement:

"The measurement must be made in a horizontal manner as much as possible, by holding up the hind end of the chain over the pin, in going up hills, and the fore end in going down hills, letting the pins drop from the end of the chain to the ground, or by taking the angle of elevation or depression of rising ground, and make the proper allowance, which would be more correct. * * * *

The surveyor should have a spare chain, by which, to adjust the other, and compare them every morning. If a spare chain can not be had, then he must have two sticks, each 3 feet in length, and measure the chain by stretching it on smooth ground, a log, or cut down a small straight tree for that purpose, holding one stick fast while the other is carried forward alternately. The sticks should be square at the ends, and used with care. They must agree with the standard measure of this office."

These instructions were issued in 1832 by Gideon Fitz, surveyor of the lands of the United States south of the State of Tennessee.

Cost of Public Land Surveys.--The Annual Report of the Commissioner of the General Land Office for the fiscal year ending June 30, 1924, shows that in so far as it is possible to measure the activities of the surveying service on a mileage cost basis, the original surveys of the public lands are costing the Government \$19.60 per linear mile. This speaks for the efficient and economic execution of the public land surveys under the direct system, especially when it is recalled that more than 14 years ago Congress authorized the expenditure of up to \$25 per mile for standard and meander lines, \$23 per mile for township lines and \$20 per mile for section lines. Even then when the more accessible lands were available for survey it was difficult and finally became impossible to secure bids from deputy surveyors.

When level lands by any chance still remain for survey the costs are well below those paid under the old contract system. For example, in T. 3 S., R. 18 W., S. 1. E. and M. on the great American Desert which was surveyed in September, 1924, under Group 162, the total number of miles run was 71 and the total cost was \$432.93, or \$6.80 per mile.

Surveys in the Field.--The last report from the Supervisor of Surveys which was dated January 15, 1925, indicates that there were but 16 surveyors at work in the field at this mid-winter period. Eight are located in Arizona, 2 in New Mexico, 7 in Utah, and 5 in the Eastern Surveying District.

Colorado-New Mexico State Boundary.--The dispute between the States of Colorado and New Mexico as to the true location of their common boundary line was decided by the United States Supreme Court on January 26, 1925, in favor of the original and so-called "Darling Line."

By acts of Congress, establishing the Territories of New Mexico and Colorado, their common boundary line was defined as the 37th parallel of north latitude, between the 103d and 109th meridians of west longitude. Under an appropriation made by Congress in 1867, this office contracted with Ehud N. Darling, a surveyor and astronomer, to survey and monument the parallel. Eleven astronomical stations were occupied by Darling and the line was monumented at mile intervals. This survey was approved by the Commissioner of the General Land Office in 1869 and became the legal and recognized boundary between the two jurisdictions upon which the public land surveys in both States have been subsequently closed.

After an interval of over thirty years the Darling line, upon examination, was found to be largely obliterated and erroneously established in some respects between its successive monuments. This led to a recommendation for a resurvey, which Congress appropriated for in 1902. The then Commissioner of the General Land Office employed H. B. Carpenter, a surveyor and astronomer, to make the resurvey. His instructions called for an independent line with specific provision for the obliteration of all evidences of the Darling corners and monuments. This resurvey, completed in 1903, was accepted the following year and for a time--from 1904 to 1908--was recognized as the State boundary by the General Land Office. The Carpenter line lies to the north of the Darling line and has the effect of transferring a large strip of territory from Colorado to New Mexico.

In 1903 Congress passed a joint resolution accepting the Carpenter resurvey as the true location of the 37th parallel and the true boundary between Colorado and New Mexico. This resolution, however, was vetoed by the President and thereafter this office ignored the Carpenter line and adhered exclusively to the Darling line as the legal fixation of the common boundary of the States affected.

Among the matters stipulated by the parties in the suit, and to which the United States Supreme Court made special reference, is the fact that the Darling line has been recognized and acquiesced in by the United States and by the Territories and States of Colorado and New Mexico, except by the bringing of said suit, and has been and now is recognized and accepted by the Land Department in its surveys of the public lands as the boundary between the two States.

The relative correctness of the Darling and Carpenter lines was not inquired into by the court, it being stated by the court that--

"We have no occasion, however, to determine this question, or to settle the precise location of the parallel line as an original matter, since, upon the uncontradicted facts, it is entirely clear that the line of the parallel as surveyed and marked by Darling**** must be now taken as the established boundary between the two States."

The boundary line is to be resurveyed by a Commission or Commissioners to be appointed by the court.

FIELD SERVICE NOTES.

CONSOLIDATION OF INVESTIGATION FORCES IN THE INTERIOR DEPARTMENT.

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THE SECRETARY OF THE INTERIOR

Washington

January 17, 1925.

ORDER.

On August 1, 1924, an order was issued consolidating all investigating forces of the several bureaus of the Interior Department in the Office of the Secretary under the general direction of a Chief Inspector, effective as of that date. The following supplemental instructions are now issued to define more fully the scope of work of the Division and the duties of Inspectors:

(1) The consolidated Inspection Division comprises the Office of the Chief Inspector; the "Field Service" of the General Land Office; inspectors of the Bureau of Indian Affairs; special examiners of the Bureau of Pensions; inspectors of the Bureau of Reclamation, and such other employees as were or might be assigned in the several bureaus to perform duties such as are handled in the Inspection Division.

(2) The titles used in the Inspection Division shall be--

(a) Chief Inspector;

(b) Assistant Chief Inspector, who shall hereafter perform the duties of the Chief of Field Service, General Land Office, and such other duties as may be assigned;

(c) Division Inspectors, who shall hereafter perform the duties now performed by the Field Division Chiefs, General Land Office;

(d) Inspectors, who shall hereafter perform the duties now performed by the special agents, examiners, and similarly designated employees in the several bureaus of the Department.

(3) All matters which in the judgment of officials should be made the subject of special inquiry should be referred to the Inspection Division with a statement of the facts, together with the papers in the case and a request for a report.

(4) The work of the Inspection Division is primarily constructive in nature. It was established for the purpose of simplifying, coordinating and standardizing working methods in the bureaus of the Department; to increase the usefulness of the various inspection agencies to the officers of the Department in promoting uniformity, efficiency and economy; in securing and reporting to these officers dependable information in matters upon which they must pass judgment, and aiding citizens by suggestion, advice and information in their transactions with the Department.

(5) In addition to the foregoing duties, the inspection force is authorized to advise and cooperate with officers and employees, both in Washington and in the field, and inquire into complaints, if any, against supervisors and employees, and alleged violations of the law; suggest and recommend changes that will bring about improved service and working conditions; and such other work as is now carried on by the inspectors and agents of the several bureaus, only under differing titles.

(6) In the performance of their duties, the attitude of inspectors should be courteous, helpful, and cooperative. They are agencies of the Government who can and should promote good will between it and the public which it serves. Their conduct should be such as to inspire the respect and confidence of the people in Government business.

HUBERT WORK,

Secretary.

Walter S. Boyer, Chief of Field Division, Portland, is engaged in important conferences in Washington relating to cases in his division now pending before the Departments.

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James Conlon, formerly Special Agent assigned to the Santa Fe Division, has resigned from the service and will enter the practice of law in Washington. His resignation became effective December 31, 1924.

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Special Agent George N. Crockett, of the Santa Fe Division, has been transferred to the General Land Office at his own request. He is expected to assume his new duties the latter part of the current month.

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George A. Parks, Assistant Supervisor of Surveys and Public Lands in Alaska, with headquarters at Juneau and Anchorage, is in Washington for conferences with departmental and bureau officials.

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Mineral Examiner Horace R. Burritt, of the Portland Division, has been compelled to submit to a serious surgical operation, and is now confined in a Portland hospital.

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Special Agent Charles W. Richie, who has been seriously ill at his home in Los Angeles, is reported as slowly convalescing. His return to active duty is not expected for some weeks.

From Salt Lake City.--It is with deep regret that the Salt Lake Field Division reports the death of Special Agent Willard T. Smith, at Salt Lake City, on January 6, 1925. Mr. Smith had been ill for a long period. He had been connected with the General Land Office for about fifteen years, practically all of his work having been performed in Utah and southern Idaho. Mr. Smith was well known for the thoroughness of his work and well liked by all with whom he had worked. He was born at Delaware City, Delaware, about fifty-three years ago. He was a graduate of Delaware College and is said to have been the youngest student to have been graduated from that school; after his graduation he taught school for several years and for some time was the principal of the Delaware City High School. Later, he served several years as superintendent of schools in New Castle County, Delaware. He was admitted to the New Castle County Bar and practiced law in Wilmington, Delaware, for some years. He was an active member of Jackson Lodge, No. 19, A. F. & A. M. at Delaware City, and served as Master of the lodge during the year 1902.

Mr. Smith was buried at Salt Lake City with Masonic honors on January 11, 1925. He is survived by his widow and five small children, who will continue to reside in Salt Lake City.

RETIREMENT ACT--CLASSIFIED STATES.

Through a notice made public by Secretary Work of the Interior Department, who by law is the administrative head of the retirement service, certain unclassified employees and presidential appointees in the Government service have not lost their classified status as far as the terms of the Retirement Act are concerned.

The result of this notice, which represents an opinion of the Attorney General to the effect that an employee in the classified civil service under the Retirement Act does not lose such standing by transfer or appointment to an unclassified position, is of far-reaching importance.

Numerous officers and employees upon being transferred from classified to unclassified positions have been given refunds to the amounts they had paid into the Retirement Fund since the passage of the Retirement Act. These amounts in certain cases will now have to be redeposited with the Retirement Fund with interest. After classified employees accepted unclassified positions, they ceased to pay the regular $2\frac{1}{2}$ per cent of their basic salary and this amount has not been deducted from their pay. The new opinion makes it mandatory that the officers and employees affected thereby now pay up this back amount also including 4 per cent interest on account of service rendered since March 27, 1922.

Because of the fact that the Retirement Act is administered through the Pension Bureau under the jurisdiction of the Secretary of the Interior, heads of departments and independent establishments throughout the Government have been notified by that bureau to promulgate the new opinion.

GOLETA BEACH CALIFORNIA--TOWNSITE RESERVATION.

A sandbar to be known as "Goleta Beach" near Santa Barbara, California, belonging to the Government was today reserved as a townsite by an executive order to be sold later as a summer resort.

The sandbar contains 24 acres. It lies south of the main slough as its north boundary and has the beach line of the Santa Barbara channel as its south boundary. At the present time the sandbar is being used as a summer resort. It contains 36 cabins, mostly tent houses, with three frame cottages.

The sandbar has been occupied for the last six or eight years during the summer season and is reached by ferrying across the slough. Belonging to the Government the purpose of the executive order is to permit the tract to be surveyed and divided into lots, blocks, and streets.

It will then be sold at public auction by the Interior Department.

Substantial improvements, it is believed, will result through the piping of water from the mainland.

Reports at the General Land Office indicate that the sandbar has a fine bathing beach and because of the fact that it is near the town of Goleta, it has been suggested that it be named the Goleta Beach. The Government last year through an auction sale of Harding townsite in Florida situated near a popular winter resort received approximately \$400,000 for the property.

RECENT DECISIONS OF THE COURTS AND THE DEPARTMENT.

Mineral Lease--Townsite--Homestead Entry.--In the case under consideration the court held as to the right of a homestead entryman and his vendees to maintain and establish a townsite on lands subject to mineral lease, that practically the entire surface of the land would be necessary for reasonably economical operation of tract by lessees, and refused to recognize the right to establish a townsite on lands showing evidences of oil operations.

Kimney-Coastal Oil Co. v. Kieffer.
1 F. (2d) 795.

Coal Mining--Surface Rights Protected.--The right to mine coal is subservient to the right of the owner to have the surface maintained in its natural state, and this right of support is absolute, and not dependent upon any question of good or bad mining.

(Supreme Court of Alabama.)
Corona Coal Co. v. Thomas.
101 Southern Reporter, 673.

Acquisition of Water Rights--Irrigation.--Under the laws of California a corporation may acquire and hold water supply and water works, and distribute water for irrigation and other purposes, without engaging in public service or coming under jurisdiction of Railroad Commission.

(Supreme Court of California.)
Southern California Edison Company.
v. Railroad Commission.
230 Pacific Reporter, 661.

Boundaries--Resurvey.--In the survey of disputed boundaries it is the duty of the surveyor to reproduce as nearly as possible lines as originally run by the Government surveyors in establishing boundaries of townships and laying out section lines.

(Supreme Court of Louisiana.)
Smith v. Almond.
102 Southern Reporter, 330.

Navigable Waters--Tide Lands.--The title to marsh lands subject to tidal overflow and the shoal waters of bays and inland waterways is in the State, by reason of her sovereignty and under her control subject to the control of the United States Government for purposes of navigation.

(Supreme Court of Florida.)
State v. City of Tampa.
102 Southern Reporter, 336.

Water Rights--Appropriation.--A "definite stream" under the laws of South Dakota implies presence or existence of running water with some permanent source of supply running along a fixed channel, while a "water course" is a depression worn by running water and having bed and banks forming continuous channel and retains its character whether full of water or dry.

Surface Waters--Control of Owner.--The owner of land has an absolute right to surface water thereon, and he may retain it for his own use and prevent it from flowing on land of another.

(Supreme Court of South Dakota.)

Benson et al v. Cook.

201 Northwestern Reporter, 526.

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School Land--Mineral Lands--Indemnity--Reservation--Selection.--A State may select, subject to the reservations contained in the acts of June 22, 1910, April 30, 1912, and July 17, 1914, lands in designated school sections as indemnity for losses to the grant suffered on account of the mineral character of those sections, and it is immaterial whether the section selected or some other designated section lost to the grant be used as basis for the selection.

Departmental Decision Cited and Applied.--Case of State of Utah v. Olson (47 L. D., 58, 65), cited and applied.

Instructions, November 11, 1924.

First Assistant Secretary Finney to the
Commissioner of the General Land Office.

Adjoining Farm Entry--Cultivation--Final Proof--Contest.--Cultivation of land of the original farm, formerly under cultivation, may be offered in proof of cultivation submitted in connection with an adjoining farm homestead entry.

Sunrall v. Chandler, decided November 13, 1924,
by First Assistant Secretary Finney.

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Indian Lands--Fort Apache Lands--Mineral Lands--Cobalt--Asbestos--Lease.--The issuance of a lease conferring the right to mine all the metalliferous mineral deposits in a tract of land on the Fort Apache Indian Reservation, Arizona, pursuant to the act of June 30, 1919, as amended by the act of March 3, 1921, precludes the granting of a lease to another for the mining of any one or more of the minerals specified in those acts so long as the original lease is in effect.

Opinion of Solicitor Edwards, November 15, 1924.

Approved: F. M. Goodwin, Assistant Secretary.

Statutory Construction.--Supplemental acts relating to the same subject-matter may properly be regarded as a legislative interpretation of prior acts.

Mission Claim--Indian Lands--Crow Creek Lands--Patent.--Notwithstanding that the Indian appropriation act of March 3, 1909, authorized the issuance of unrestricted fee simple patents to religious organizations engaged in mission or school work on Indian reservations, it is obvious that Congress intended by the later act of September 21, 1922, that patents issued after the latter date to such organizations for lands on Indian reservations should specify that the lands will revert to the Indian owners when no longer used for missionary purposes.

Opinion of Solicitor Edwards, November 21, 1924.

Approved: F. M. Goodwin, Assistant Secretary.

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Mineral Lands--Withdrawal--Section 2319, Revised Statutes.--Only where the United States has indicated that mineral lands are held for disposal under the land laws does section 2319, Revised Statutes, apply, and it is never applicable where the United States directs that the disposal be only under other laws.

Mineral Lands--Mining Claim--Withdrawal--Reclamation--Secretary of the Interior.--A first-form withdrawal by the Secretary of the Interior under authority of the act of June 17, 1902, of lands which, in his judgment, are required for irrigation works, is effective to preclude thereafter location under the mining laws of lands within the designated limits.

Decisions and Instructions Applied.--Cases of *Oklahoma v. Texas* (258 U. S., 574), and *King v. Bradford* (31 L. D., 103), cited and applied; instructions of January 13, 1904 (32 L. D., 387), applied.

James C. Reed et al.; decided December 16, 1924,
by First Assistant Secretary Finney.

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Oil and Gas Lands--Prospecting Permit--Application--Notice--Boundaries.--Where a single application for an oil and gas prospecting permit is for in-contiguous tracts the erection of a notice upon each tract with a description of the land is required to fulfill the provision of section 13 of the act of February 25, 1920, if the lands be surveyed, but, if unsurveyed, the corners of each tract must be monumented.

Samuel S. C. Chilcote and Peter J. Smith; decided December 20, 1924, by First Assistant Secretary Finney.

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Indian Lands--Colville Lands--Allotment--Patent--Taxation--Vested Rights--Exemption--Waiver.--While the exemption from taxation for a definite period acquired by an Indian allottee under a trust patent is a vested right

of which he can not be deprived without his consent, yet, where he voluntarily applies for and obtains a patent in fee simple under the act of May 8, 1906, he thereby waives his right to the exemption from taxation during the remainder of the original trust period.

Court Decision Cited and Applied.---Case of Sweet v. Snock (245 U. S., 192), cited and applied.

Opinion by Solicitor Edwards, December 24, 1924.

Approved: F. M. Goodwin, Assistant Secretary.

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FORD TOWNSITE AND FORD CITY.

By executive order of June 11, 1923, 230 acres in Section 12, Townsite 32 South, Range 23 East, M. D. M., Kern County, California, were eliminated from Naval Petroleum Reserve No. 2 and withdrawn for townsite purposes with a reservation of any oil that might be contained therein to the United States. Shortly thereafter things began to move toward the Townsite of Ford, under the provisions of sections 2382 to 2386, Revised Statutes, which governs cases of townsite settlement on public lands. Subdivisional survey was made and approved April 3, 1924, and the lots remaining undisposed of and unreserved were sold at public auction September 15, 1924.

The Bulletin is now in receipt of Volume 1, No. 1 of the "Ford City News" with a date line of January 9, 1925. It is an up-to-date live production with a word for the present and an eye to the future, and a substantial backing of advertising that speaks well for the confidence of the community in the new enterprise.

In the local items we note the erection of 15 new buildings, and the temper of the town may be gathered from the reference in these items to the "sky line" of Ford City.

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LAST OF THE PUBLIC LANDS IN INDIANA.

Probably the last two tracts of unappropriated public lands in the State of Indiana were thrown open to homestead entry through a notice issued at the Interior Department January 30, 1925.

They consist of small islands in the Tippecanoe River in White County. One of the islands is approximately $3\frac{1}{2}$ acres in size while the other contains only $\frac{9}{10}$ of an acre. Because of the fact that it has been years since there was a local land office in Indiana, the homesteading of these two islands will be handled by the General Land Office at Washington, D. C. Ex-service men of the World War are given a preference in filing entries on these tracts of public lands, March 31 being the date the land becomes subject to disposition.

The two islands in the Tippecanoe River were recently surveyed by Government surveyors at the request of a party, who alleges to have a prior right to the larger island.

Circular No. 805.

(Revised)

PROOFS UPON CLAIMS INITIATED UNDER THE DESERT-LAND LAWS BY INCAPACITATED
SOLDIERS--ACT OF DECEMBER 15, 1921 (42 Stat., 348).

DEPARTMENT OF THE INTERIOR

General Land Office

Washington, D. C.

November 21, 1924.

Registers and Receivers,
United States Land Offices.

Sirs:

The act of December 15, 1921 (42 Stat., 348), amends the act of March 1, 1921 (40 Stat., 1202), by adding the following section:

"Sec. 2. That any entryman under the desert-land laws, or any person entitled to preference right of entry under section 1 of the act approved March 28, 1908 (Thirty-fifth Statutes at Large, page 52), who after application or entry for surveyed lands or legal initiation of claim for unsurveyed lands, and prior to November 11, 1918, enlisted or was actually engaged in the United States Army, Navy, or Marine Corps during the war with Germany, who has been honorably discharged and because of physical incapacities due to service is unable to accomplish reclamation of and payment for the land, may make proof without further reclamation thereof or payments thereon under such rules and regulations as may be prescribed by the Secretary of the Interior, and receive patent for the land by him so entered or claimed, if found entitled thereto: Provided, That no such patent shall issue prior to the survey of the land."

The purpose of the amendment is to relieve from further compliance with the requirements of the desert-land law those persons physically incapacitated, as set forth therein, except as to submission of specified proofs.

2. The benefits of this amendment extend to persons who, prior to November 11, 1918, and during the war with Germany, were actually engaged in the United States Army, Navy, or Marine Corps, regardless of the date of their enlistment, provided they entered the service after having filed an effective desert-land application or made a desert-land entry for surveyed lands, or acquired a preference right to make entry under the desert-land laws of unsurveyed land, or taken a desert-land entry by

assignment, and who, having been honorably discharged, are unable to accomplish reclamation of and make payment for the land on account of physical disabilities due to such service.

3. If the land is unsurveyed and entry is not yet allowable, a claimant having a preference right of entry should file his application therefor on Form 4-274, accompanied by his sworn statement, corroborated by two persons having personal knowledge of the facts, setting forth in detail the date when he took possession of the land and what acts he performed thereon touching the matter of its reclamation and improvement. You will assign to the application the current serial number. Final proof may be submitted and accepted, but the final certificate will not issue until entry shall have been lawfully allowed, and adjustment to legal subdivisions made according to an approved survey.

4. Notice of intention to submit proof must be given in the usual manner by posting and publication; and in case of unsurveyed land, the notice of intention to submit proof must be posted thereon in a conspicuous place, and affidavit evidence must be filed showing such posting.

5. The proof shall consist (a) of affidavit of the claimant (taken before any officer at any place who is authorized to administer oaths and who uses an impression seal), showing that he is unable to return to the land on account of physical incapacity due to service in the United States Army, Navy, or Marine Corps during the war with Germany, and describing the nature and extent of such disability; (b) of the testimony of two witnesses taken in similar manner corroborating the statements in that regard and of these witnesses at least one must be a practicing physician; (c) of a certified copy of his discharge from the Army, Navy, or Marine Corps, or an affidavit showing all the facts regarding his service and discharge. In each case the facts will be verified so far as possible from the records of the War Department.

6. No payment of moneys will be required in connection with any application made, or proofs offered, other than testimony fees, when the testimony is taken before the register or receiver.

7. Where the proof appears satisfactory, and entry for the land has already been allowed, the register will issue the final certificate if there is no objection disclosed by the records. In cases where entry has not yet been allowed, all the papers will be forwarded to the General Land Office for consideration.

Very respectfully,

WILLIAM SPRY,

Commissioner.

Approved: November 21, 1924.

E. C. FINNEY,

First Assistant Secretary.

Circular No. 972.

REGULATIONS OPENING RECLASSIFIED COLVILLE INDIAN LANDS TO ENTRY.

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DEPARTMENT OF THE INTERIOR

General Land Office

789824 "K" D. B. C.

Washington

December 18, 1924.

Register and Receiver,

Spokane, Washington.

Gentlemen:

July 23, 1923, the Department approved the recommendation of the Commissioner of Indian Affairs that certain lands within the south half of the former Colville Indian Reservation be reclassified as non-mineral. The mineral examiner's report covers the balance of the land formerly classified as mineral on said reservation, previous reports having been approved on February 12, 1920, and November 23, 1921.

It is hereby ordered pursuant to Public Resolution No. 29 of February 14, 1920, as amended by Public Resolution No. 36, approved January 21, 1922, that the said lands shall be opened to entry only under the homestead laws and the act of March 22, 1906 (34 Stat., 80), and the President's proclamation of May 3, 1916 (39 Stat., 1778), by ex-service men of the War with Germany under the terms and conditions of said regulations issued thereunder on May 1, 1922, Circular No. 822, for a period of 91 days, beginning with the 28th day from date hereof. Thereafter any of said lands remaining unentered will be subject to appropriation under applicable laws by the general public.

This office under date of May 14, 1917, directed that homestead applications for lands classified as mineral within the reservation could be received if accompanied by one-fifth of the purchase price of the lands and an application for reclassification, the homestead application to be suspended pending action on the application for reclassification. Under date of February 23, 1918, the Department directed that all applications for lands classified as mineral, filed after February 23, 1916, should be rejected, but that all applications theretofore filed in accordance with the existing instructions should be allowed to take the course outlined in said instructions.

Subsequent to the date hereof and prior to the date of restoration to general disposition as herein provided no rights may be acquired to said land by settlement in advance of entry or otherwise except strictly in accordance herewith.

You will upon receipt hereof make the proper notations of this order on your records, post a copy hereof in your office and give as much publicity to the opening as possible as a matter of news without expense to the Government by forwarding a copy of the order to the post office nearest the land for

MEMORANDUM OF EFFECTIVE DATES OF ABOVE ORDER.

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Date of order December 18, 1924. Soldiers' preference period from January 15, 1925 to April 16, 1925, inclusive.

Soldiers' simultaneously filing period from December 26, 1924 to January 14, 1925, inclusive.

Land opened to general disposition May 7, 1925.

Simultaneous filing period for general public from April 17 to May 6, inclusive.

December 18, 1924.

LIST OF GRAZING MINERAL LANDS RECLASSIFIED
AS NON-MINERAL.

Reclassification and reexamination approved by the Department under date of July 23, 1923, to be opened for entry as provided by regulations of 1924.

All of these lands were classified as grazing lands on the original schedule under authority of the act of March 22, 1906 (34 Stat., 80).

<u>Subdivision.</u>	<u>Sec.</u>	<u>T.</u>	<u>R.</u>	<u>Classification.</u>	<u>Valuation.</u>
Lot 1	1	33	31	Grazing	\$1.85
Lot 2	1	"	"	"	4.30
Lot 3	1	"	"	"	3.10
Lot 4	1	"	"	"	2.85
SE $\frac{1}{4}$ NW $\frac{1}{4}$	1	"	"	"	1.75
SW $\frac{1}{4}$ NE $\frac{1}{4}$	1	"	"	"	2.70
SW $\frac{1}{4}$ NW $\frac{1}{4}$	1	"	"	"	2.75
SE $\frac{1}{4}$ NE $\frac{1}{4}$	1	"	"	"	1.80
NE $\frac{1}{4}$ SE $\frac{1}{4}$	1	"	"	"	1.95
NE $\frac{1}{4}$ SW $\frac{1}{4}$	1	"	"	"	2.90
NW $\frac{1}{4}$ SE $\frac{1}{4}$	1	"	"	"	1.90
NW $\frac{1}{4}$ SW $\frac{1}{4}$	1	"	"	"	3.15
E $\frac{1}{2}$ SE $\frac{1}{4}$	10	"	"	"	1.25
					(H.A. 010790)
NW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$	11	"	"	"	.60
SE $\frac{1}{4}$ SW $\frac{1}{4}$	13	"	"	"	1.65
NE $\frac{1}{4}$ SW $\frac{1}{4}$	13	"	"	"	.70
NW $\frac{1}{4}$ SW $\frac{1}{4}$	13	"	"	"	.90
SW $\frac{1}{4}$ SE $\frac{1}{4}$	13	"	"	"	2.25
SE $\frac{1}{4}$ SE $\frac{1}{4}$	13	"	"	"	1.90
NE $\frac{1}{4}$ SE $\frac{1}{4}$	13	"	"	"	1.65
NW $\frac{1}{4}$ SE $\frac{1}{4}$	13	"	"	"	1.60
E $\frac{1}{2}$ E $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$	15	"	"	"	.90
					(H.A. 010790)
NE $\frac{1}{4}$ NE $\frac{1}{4}$	15	"	"	"	.60
					(H.A. 010790)
SE $\frac{1}{4}$ NE $\frac{1}{4}$	15	"	"	"	.80
					(H.A. 010790)
NE $\frac{1}{4}$ SE $\frac{1}{4}$	20	"	"	"	1.75
SE $\frac{1}{4}$ SE $\frac{1}{4}$	20	"	"	"	1.90
NW $\frac{1}{4}$ SW $\frac{1}{4}$	21	"	"	"	1.50
SW $\frac{1}{4}$ SW $\frac{1}{4}$	21	"	"	"	1.60
SE $\frac{1}{4}$ SW $\frac{1}{4}$	21	"	"	"	1.25
SW $\frac{1}{4}$ SE $\frac{1}{4}$	21	"	"	"	1.35
NE $\frac{1}{4}$ SE $\frac{1}{4}$	21	"	"	"	1.45
SE $\frac{1}{4}$ SE $\frac{1}{4}$	21	"	"	"	1.45
SE $\frac{1}{4}$ NE $\frac{1}{4}$	21	"	"	"	.80
NW $\frac{1}{4}$ NE $\frac{1}{4}$	22	"	"	"	.85
SE $\frac{1}{4}$ NE $\frac{1}{4}$	22	"	"	"	.25
NW $\frac{1}{4}$ SW $\frac{1}{4}$	22	"	"	"	1.85
E $\frac{1}{2}$ SE $\frac{1}{4}$	22	"	"	"	.25
NE $\frac{1}{4}$ NE $\frac{1}{4}$	23	"	"	"	2.05
NW $\frac{1}{4}$ NE $\frac{1}{4}$	23	"	"	"	1.95
SW $\frac{1}{4}$ NE $\frac{1}{4}$	23	"	"	"	.75
SE $\frac{1}{4}$ NE $\frac{1}{4}$	23	"	"	"	1.95
NE $\frac{1}{4}$ SE $\frac{1}{4}$	23	"	"	"	1.65
NW $\frac{1}{4}$ SE $\frac{1}{4}$	23	"	"	"	1.25
SW $\frac{1}{4}$ SE $\frac{1}{4}$	23	"	"	"	1.65
SE $\frac{1}{4}$ SE $\frac{1}{4}$	23	"	"	"	1.80
NE $\frac{1}{4}$ SW $\frac{1}{4}$	23	"	"	"	1.00
	23	"	"	"	.75
SW $\frac{1}{4}$ SW $\frac{1}{4}$	23	"	"	"	.70
SE $\frac{1}{4}$ SW $\frac{1}{4}$	23	"	"	"	.80
NW $\frac{1}{4}$	24	"	"	"	.60

<u>Subdivision.</u>	<u>Sec.</u>	<u>T.</u>	<u>R.</u>	<u>Classification.</u>	<u>Valuation.</u>
NE $\frac{1}{4}$ SE $\frac{1}{4}$	24	33	31	Grazing	\$.95
NW $\frac{1}{4}$ SE $\frac{1}{4}$	24	"	"	"	1.00
SW $\frac{1}{4}$ SE $\frac{1}{4}$	24	"	"	"	1.00
SE $\frac{1}{4}$ SE $\frac{1}{4}$	24	"	"	"	.90
NE $\frac{1}{4}$ SW $\frac{1}{4}$	24	"	"	"	1.00
NW $\frac{1}{4}$ SW $\frac{1}{4}$	24	"	"	"	1.60
SW $\frac{1}{4}$ SW $\frac{1}{4}$	24	"	"	"	.60
SE $\frac{1}{4}$ SW $\frac{1}{4}$	24	"	"	"	.95
NE $\frac{1}{4}$ NW $\frac{1}{4}$	25	"	"	"	.90
NW $\frac{1}{4}$ NW $\frac{1}{4}$	25	"	"	"	1.75
SE $\frac{1}{4}$ NW $\frac{1}{4}$	25	"	"	"	2.75
NE $\frac{1}{4}$ NE $\frac{1}{4}$	26	"	"	"	1.95
NW $\frac{1}{4}$ NE $\frac{1}{4}$	26	"	"	"	1.50
SW $\frac{1}{4}$ NE $\frac{1}{4}$	26	"	"	"	1.60
SE $\frac{1}{4}$ NE $\frac{1}{4}$	26	"	"	"	2.15
NE $\frac{1}{4}$ SW $\frac{1}{4}$	26	"	"	"	1.60
NW $\frac{1}{4}$ NW $\frac{1}{4}$	26	"	"	"	.85
NW $\frac{1}{4}$ SW $\frac{1}{4}$	26	"	"	"	1.50
SW $\frac{1}{4}$ NW $\frac{1}{4}$	26	"	"	"	.95
NE $\frac{1}{4}$ SE $\frac{1}{4}$	26	"	"	"	1.65
SE $\frac{1}{4}$ NW $\frac{1}{4}$	26	"	"	"	1.00
NW $\frac{1}{4}$ SE $\frac{1}{4}$	26	"	"	"	1.55
NE $\frac{1}{4}$ NE $\frac{1}{4}$	27	"	"	"	.25
NW $\frac{1}{4}$ NW $\frac{1}{4}$	28	"	"	"	1.75
SW $\frac{1}{4}$ NW $\frac{1}{4}$	28	"	"	"	2.55
SE $\frac{1}{4}$ NW $\frac{1}{4}$	28	"	"	"	2.95
NE $\frac{1}{4}$ SW $\frac{1}{4}$	28	"	"	"	1.65
NW $\frac{1}{4}$ SW $\frac{1}{4}$	28	"	"	"	1.45
SW $\frac{1}{4}$ SW $\frac{1}{4}$	28	"	"	"	1.65
SW $\frac{1}{4}$ NE $\frac{1}{4}$	29	"	"	"	.60
SW $\frac{1}{4}$ SE $\frac{1}{4}$	29	"	"	"	.60
NW $\frac{1}{4}$ NE $\frac{1}{4}$	32	"	"	"	.90
SW $\frac{1}{4}$ NE $\frac{1}{4}$	32	"	"	"	.95
NE $\frac{1}{4}$ SE $\frac{1}{4}$	32	"	"	"	1.85
NW $\frac{1}{4}$ SE $\frac{1}{4}$	32	"	"	"	1.15
SW $\frac{1}{4}$ SE $\frac{1}{4}$	32	"	"	"	1.60
SE $\frac{1}{4}$ SE $\frac{1}{4}$	32	"	"	"	1.95
SE $\frac{1}{4}$ NE $\frac{1}{4}$	18	"	"	"	1.10
SW $\frac{1}{4}$ SE $\frac{1}{4}$	18	"	32	"	.85
Lot 1	19	"	"	"	3.30
Lot 2	19	"	"	"	3.50
Lot 3	7	34	"	"	.90
Lot 4	7	"	"	"	.85
SE $\frac{1}{4}$ NW $\frac{1}{4}$	7	"	"	"	1.90
SE $\frac{1}{4}$ SW $\frac{1}{4}$	19	"	"	"	.90
NE $\frac{1}{4}$ SE $\frac{1}{4}$	19	"	"	"	.75
NW $\frac{1}{4}$ SE $\frac{1}{4}$	19	"	"	"	1.25
SW $\frac{1}{4}$ SE $\frac{1}{4}$	19	"	"	"	1.65
SE $\frac{1}{4}$ SE $\frac{1}{4}$	19	"	"	"	1.55
NW $\frac{1}{4}$ NE $\frac{1}{4}$	30	"	"	"	1.65
SW $\frac{1}{4}$ NE $\frac{1}{4}$	30	"	"	"	2.15
S $\frac{1}{2}$ NE $\frac{1}{4}$	31	"	"	"	.60
NW $\frac{1}{4}$ SW $\frac{1}{4}$	32	"	"	"	1.65
SW $\frac{1}{4}$ SW $\frac{1}{4}$	32	"	"	"	1.55

CIRCULAR NO. 973.

ACCOUNTS: TRAVEL EXPENSE.

DEPARTMENT OF THE INTERIOR

General Land Office

Washington

December 22, 1924.

Surveyors General,
Chiefs of Field Divisions,
Assistant Supervisors, and others.

Sirs:

Circular No. 459 is superseded by the provisions of Circular No. 616, and paragraph 233 of the latter is hereby amended to read:

233. Special Conveyances.--Hire of special conveyances, such as taxicabs or other automobiles, livery, or boat, only when no public or regular means of transportation are available and the necessary incidental expenses connected therewith, such as feed and stabling of horses and the subsistence of driver, ferriage, and tolls. Also, services of and subsistence of guide when no driver is employed. If the charges for special conveyance include feed and stabling of horses and subsistence of driver, or any such items, the principal voucher or subvoucher must so state. Competition should be invited in connection with the hire of special transportation, especially if services are to be continued for any considerable period, and if in rare instances it is necessary to exceed a rate of \$20 per day the excess amounts must not be paid until full explanation has been submitted to the Commissioner and received his approval.

Very respectfully,

WILLIAM SPRY,

Approved: December 22, 1924.

Commissioner.

E. C. FINNEY,

First Assistant Secretary.

Circular No. 974.
REGULATIONS FOR THE DISPOSITION OF LANDS IN HOT SPRINGS RESERVATION,
ARKANSAS.

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DEPARTMENT OF THE INTERIOR
General Land Office
Washington

December 26, 1924.

Register and Receiver,

Little Rock, Arkansas.

Gentlemen:

The unallotted, unreserved, and unsold land within the Hot Springs Reservation, Arkansas, has been appraised as follows:

	<u>Square feet.</u>	
Lot 1, Block 7,	26,100	\$800
Lot 1, Block 21,	99,400	200
Lot 11, Block 72,	37,770	400
Lot 4, Block 94,	29,930	5,000
Lot 5, Block 94,	34,300	4,500
Lot 9, Block 114,	11,809	200
Lot 10, Block 114,	11,865	200
Lot 4, Block 115,	30,600	3,000
Lot 5, Block 115,	31,750	6,000
Lot 6, Block 115,	25,750	2,000
Lot 22, Block 138,	13,875	300

These lots will be offered for sale under section 7 of the act of March 3, 1891 (26 Stat., 842), for cash at not less than the appraised value thereof at your office and under your supervision, commencing at 10 a. m. on March 2, 1925.

Bids may be made in person or by agent, but will not be received through the mail.

Purchasers will not be required to show qualifications as to age or citizenship, or to make any showing as to the amount or character of public lands theretofore acquired by them under any law.

Payment for lots must be made on the date of the sale. You will assign current serial numbers to each separate purchase, and upon payment in full, you will issue final cash certificate.

All persons are warned against entering into any agreement, combination, or conspiracy which will prevent any of said lands from selling advantageously, and all persons so offending will be prosecuted under section 59 of the United States Criminal Code.

You will give all possible publicity to this sale without expense to the Government. This office will arrange for the publication of notice of the sale in two newspapers of general circulation in the vicinity of the land.

Approved: December 26, 1924.

Very respectfully,

E. C. FINNEY,
First Assistant Secretary.

WILLIAM SPRY,
Commissioner.

REGULATIONS FOR THE DISPOSITION OF LANDS IN FORT McPHERSON
ABANDONED MILITARY RESERVATION, NATIONAL CEMETERY, NEBRASKA.

DEPARTMENT OF THE INTERIOR
General Land Office
Washington

Register and Receiver,
Lincoln, Nebraska.

December 30, 1924.

Gentlemen:

The unallotted, unreserved, and unsold land within the Fort McPherson Abandoned Military Reservation, National Cemetery, Nebraska, has been appraised as follows:

Tract 37,	50.39 acres,	\$1,460
Tract 40,	44.82 acres,	1,100

These tracts will be offered for sale under the act of July 5, 1884 (23 Stat., 103), for cash at not less than the appraised value thereof at your office and under your supervision, commencing at 10 a. m. on May 5, 1925.

Bids may be made in person or by agent, but will not be received through the mail.

Purchasers will not be required to show qualifications as to age or citizenship or to make any showing as to the amount or character of public lands theretofore acquired by them under any law.

Payment for the tract must be made on the date of the sale. You will assign current serial numbers to each separate purchase, and upon payment in full, you will issue final cash certificate.

All persons are warned against entering into any agreement, combination, or conspiracy which will prevent any of said lands from selling advantageously, and all persons so offending will be prosecuted under section 59 of the United States Criminal Code.

You will give all possible publicity to this sale without expense to the Government. This office will arrange for the publication of notice of the sale in two newspapers of general circulation in the vicinity of the land.

Very respectfully,

Approved: December 30, 1924.

WILLIAM SPRY,

E. C. FINNEY,

Commissioner.

First Assistant Secretary.

Circular No. 976.

RULES OF PRACTICE 8 and 11 AMENDED.

UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office
Washington

January 12, 1925.

Registers and Receivers,
United States Land Offices.

Gentlemen:

Your attention is called to the following departmental order dated January 6, 1925, amending rules 8 and 11 of the Rules of Practice.

"Consideration of appeals which have recently come before the Department reveals that the provisions of Rule of Practice 8 relative to abatement are not clearly understood. To remove all possibility of controversy, the said rule is amended by the insertion of "service of notice by," to make it conform to the interpretation uniformly given the rule by the Department. (See 44 L. D., 568.) As amended the rule now reads:

'Unless notice of contest is personally served within 30 days after issuance of such notice and proof thereof made not later than 30 days after such service, or if service by publication is ordered, unless publication is commenced within 20 days after such order and proof of service of notice by publication is made not later than 20 days after the fourth publication, as specified in Rule 10, the contest shall abate: Provided, That if the defendant makes answer without questioning the service or the proof of service of said notice, the contest will proceed without further requirement in those particulars.

"To require a necessary showing, which has been insisted upon although not specifically required by the Rules of Practice, Rule 11 is amended by adding a paragraph, as follows:

'Proof of the mailing of notice shall be by affidavit of the person who mailed the notice, attached to the postmaster's receipt for the letter or (if delivered) the registry return receipt.'

Very respectfully,

WILLIAM SPRY,

Commissioner.

FIELD OFFICES CLOSING ON HOLIDAYS - INSTRUCTIONS.

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DEPARTMENT OF THE INTERIOR

General Land Office

Washington

February 3, 1925.

Registers and Receivers,
Chiefs of Field Division,
Surveyors General, and
Offices of Assistant Supervisors of Surveys.

Gentlemen:

Requests for permission to close field offices on days set apart as holidays by legislative or executive authority of the State in which the offices are located, as permitted by circular of November 29, 1912 (41 L. D., 491), should be made by letter in sufficient time to enable this office to reply in like manner. It is suggested that such requests be submitted a month in advance. During the past year a large number of these requests have been made by wire at the eleventh hour, necessitating a reply by wire. The few requests that have been made by letter have often been received so late as to require a reply by wire or have arrived after the receipt of a wire or after the occurrence of the holiday. A substantial saving in telegraph tolls can be effected by utilizing the mails for matters of this kind.

Very respectfully,

WILLIAM SPRY,

Commissioner.

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(473)

SALE OF KIOWA, COMANCHE, AND APACHE INDIAN LANDS, OKLAHOMA.

OKLAHOMA:

Approximately 5,000 acres of land within the former Kiowa, Comanche, and Apache Indian Reservations, Oklahoma, will be offered for sale at public auction on March 26, 1925, at Lawton, Oklahoma, under the provisions of the act of June 30, 1913 (38 Stat., 92), and March 3, 1919 (40 Stat., 1313). Those tracts which have been found by the United States Geological Survey to be prospectively valuable for oil and gas will be sold with a reservation of the oil and gas deposits under the act of July 17, 1914 (38 Stat., 509).

(474)

SOUTH DAKOTA:

SALE OF LANDS IN SOUTH DAKOTA.

An auction sale of two lots within the Fort Randall Abandoned Military Reservation in South Dakota under the act of April 15, 1920 (41 Stat., 550), will be held February 17, 1925, commencing at 10 o'clock a. m., at the local land office at Pierre, South Dakota. The tracts represent the unallotted, unreserved and unsold land within this reservation and include lot 5, Sec. 2, T. 95 N., R. 66 W., 5th P. M., South Dakota, containing 16.30 acres, which is on White Swan Island in the Missouri River, and lot 7, Sec. 6, same township and range, containing 27.30 acres. These lots have been appraised at \$1.25 per acre and will be sold for cash at not less than the appraised price.

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(475)

NEBRASKA:

SALE OF LANDS IN NEBRASKA.

An auction sale of two tracts of land near Maxwell, Nebraska, within the Fort McPherson Abandoned Military Reservation, National Cemetery, Nebraska, under the act of July 5, 1884 (23 Stat., 103), will be held at the local land office at Lincoln, Nebraska, May 5, 1925, commencing at 10 o'clock a. m. The tracts represent the unallotted, unreserved and unsold lands within this reservation, tract 40 contains 44.82 acres and tract 37 contains 50.39 acres, appraised at \$1,100 and \$1,460, respectively, and will be sold for cash at not less than the appraised price.

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DISPOSAL OF PUBLIC LANDS IN IDAHO.

Since the passage of the stock raising act in 1916 granting 640 acres to a settler there have been in the five Idaho land offices 4,458 entries, embracing 1,894,587 acres, and for which the applicants paid in fees and commissions \$114,883. At the Boise land office since the enactment of stock raising act there have been 1,655 entries under the stock raising law for a total of 739,476 acres. Fees and commissions for these entries amounted to \$43,619. Of these commissions and fees the local office is credited with \$7,233 and for sales of public lands, \$11,146. During the last fiscal year patents were delivered at this office for more than 80,000 acres. Since the establishment of the office in 1864, more than 4,564,000 acres of public and Indian lands have been entered and allowed at the Boise office.--
Boise Capital News.

ACQUISITION OF TITLE TO LANDS IN PERNAMBUCO, BRAZIL, BY IMMIGRANTS.

Through reference from the Department of State of a report of October 6, 1924, from the Consulate of Pernambuco, Brazil, the General Land Office is in receipt of advice as to the manner in which colonists can secure title to lands in that State.

This report will be found in the Mails and Files Division of the General Land Office under the registration number "1160895-A".

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RECENT EXECUTIVE ORDERS.

The status of Federal lands has been affected by recent executive orders as follows:

119.66 acres in Hernando County, Florida, containing Tooke Lake, withdrawn for classification and in aid of legislation to authorize its use for public recreational purposes;

40 acres in Lake County, Oregon, in aid of legislation to authorize its use as a fish hatchery;

34.05 acres in Nee-Ah Harbor abandoned military reservation, Washington, transferred from Coast Guard of Treasury Department back to jurisdiction of Interior Department;

Small tract at Honolulu no longer needed for Federal use transferred to Territorial Government as a school site;

Exchange of privately-owned improved land within an agricultural experiment station on the Island of Oahu, Territory of Hawaii, for unimproved Federal land within such station authorized;

Portions of Camp Jackson and Camp McClellan military reservations, in South Carolina and Alabama, respectively, set apart as Jackson and McClellan National Forests, under section 9 of the act of June 7, 1924 (43 Stat., 653-5);

Proclamations issued in January enlarged the Custer State Park Game Sanctuary in the Harney National Forest, South Dakota, and the Manti and Carson National Forests, in Utah and New Mexico, respectively. The addition to the Manti Forest contains approximately 1,760 acres. The Las Trampas and Santa Barbara grants, together with a small strip of public land lying between, were included within the exterior boundaries of the Carson Forest. Exchange of lands chiefly valuable for national forest purposes in such grants for an equal value of national forest timber in the State of New Mexico has been recently authorized.

OIL AND GAS ACTIVITIES.

During the month of January the Division handling oil and gas permits under sections 13 and 20 of the leasing act received 251 new cases, an increase of 30 over last month, and 1,556 cases for reconsideration. Permits were granted in 261 cases, an increase of 101 over last month; 197 cases were finally rejected and 106 were finally rejected in part; 370 cases were rejected subject to appeal, and 3 were rejected in part subject to appeal; 464 extensions of time were acted upon, and 55 assignments were disposed of. In 78 cases permits were held for cancellation, and 30 permits were canceled. Departmental decisions were promulgated in 25 cases, 13 affirming, 10 reversing, and 1 modifying decisions of this office. Five hundred and eighty-three applications were examined and reports thereon called for from the Geological Survey and Reclamation Service, an increase of 290 over last month, and 403 Survey reports were received. Three thousand and eighty-nine letters were written, of which 310 were replies to inquiries.

Under the "Relief" sections of the act and other sections providing for the issuance of leases, 4 permits were granted and 3 leases were delivered; 7 cases were rejected subject to appeal. Departmental decision modifying the action of this office was promulgated in one case; 4 assignments were acted upon; 27 extensions of time disposed of; 3 permits were held for cancellation, and 9 were canceled; and miscellaneous actions including sales contracts, drilling relief on leases, sales under section 17 of the leasing act, and petitions for reduction of royalty under the lease were taken on 11 applications. One hundred and sixteen letters were written, of which 25 were replies to inquiries. The total number of applications received during the month for reconsideration was 70.

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RECEIPTS UNDER MINERAL LEASING ACT.

Receipts under the Mineral Leasing Act of February 25, 1920, for the month of December amounted to \$578,312.70, of which \$577,672.70 was from lands outside of naval reserves and \$640 from lands within naval reserves. This makes a total of \$5,125,032.61 for the first half of the fiscal year.

CONSOLIDATED WORK REPORT OF LOCAL LAND OFFICES FOR THE
MONTH OF DECEMBER, 1924.

OFFICES.	: End Last Month.			: Received : and : End of This Month.			: Disposed of		
	: Pend- : ing : design- : nation.	: Sus- : pend- : ed re- : jected: : other- : wise.	: Pend- : ing : ur- : acted : on by : R. & R.	: Rec'd : in : this : month.	: Trans- : mitted : to GLO : this : month.	: Now : pend- : ing : design- : ed re- : jected: : other- : wise.	: Now : sus- : pend- : ed re- : jected: : other- : wise.	: Pend- : ing : unact- : ed on : by : R. & R.	: Pend- : ing : unact- : ed on : by : R. & R.
Alabama	:	:	:	:	:	:	:	:	:
Montgomery	:	12	:	:	13	13	:	12	:
Arizona	:	:	:	:	:	:	:	:	:
Phoenix	:	141	164	:	198	189	134	180	:
Arkansas	:	:	:	:	:	:	:	:	:
Harrison	:	:	28	:	61	66	:	23	:
Little Rock	:	:	198	:	89	104	:	183	:
California	:	:	:	:	:	:	:	:	:
El Centro	:	4	37	:	34	23	4	48	:
Eureka	:	52	:	:	15	14	52	1	:
Independence	:	29	65	:	37	38	31	62	:
Los Angeles	:	44	100	:	176	172	45	103	:
Sacramento	:	41	64	:	57	55	44	63	:
San Francisco	:	68	42	:	63	63	75	40	:
Susanville	:	21	13	:	23	25	21	11	:
Visalia	:	11	222	:	31	208	9	47	:
Colorado	:	:	:	:	:	:	:	:	:
Del Norte	:	30	4	:	6	5	27	8	:
Denver	:	51	44	:	65	65	51	44	:
Durango	:	8	16	:	23	28	9	10	:
Glenwood Springs	:	183	322	:	138	154	187	302	:
Lamar	:	36	25	1	29	41	40	10	:
Leadville	:	5	21	:	14	16	4	20	:
Montrose	:	151	114	:	38	109	148	96	:
Pueblo	:	191	131	:	135	185	187	83	:
Sterling	:	14	32	:	15	35	14	10	:
Florida	:	:	:	:	:	:	:	:	:
Gainesville (a)	:	:	:	:	:	:	:	:	:
Idaho	:	:	:	:	:	:	:	:	:
Blackfoot	:	51	58	:	17	35	57	64	:
Boise	:	67	46	:	53	50	67	46	:
Coeur d'Alene	:	1	18	:	5	12	1	12	:
Hailey	:	65	64	:	40	54	63	52	:
Lewiston	:	15	7	:	3	32	16	11	:
Kansas	:	:	:	:	:	:	:	:	:
Topeka	:	24	6	:	6	4	25	9	:
Louisiana	:	:	:	:	:	:	:	:	:
Baton Rouge	:	:	17	:	36	27	:	26	:

Michigan	:	:	:	:	:	:	:	:	:
Marquette	:	:	16	:	13	:	11	:	18
Minnesota	:	:	:	:	:	:	:	:	:
Cass Lake	:	:	4	:	24	:	18	:	10
Cröokston	:	:	22	:	24	:	34	:	12
Duluth	:	:	5	:	30	:	26	:	9
Mississippi	:	:	:	:	:	:	:	:	:
Jackson	:	:	14	:	21	:	19	:	16
Montana	:	:	:	:	:	:	:	:	:
Billings	:	10	15	:	14	:	15	10	14
Bozeman	:	59	48	:	30	:	47	57	33
Glasgow	:	83	65	:	149	:	169	81	47
Great Falls	:	22	37	:	38	:	35	25	37
Havre	:	48	66	:	57	:	73	46	52
Helena	:	97	44	:	65	:	60	82	64
Kalispell	:	:	3	:	8	:	8	:	3
Lewistown	:	93	17	:	31	:	41	80	20
Miles City	:	195	113	:	144	:	171	174	107
Missoula	:	3	7	:	18	:	15	4	9
Nebraska	:	:	:	:	:	:	:	:	:
Alliance	:	32	3	:	17	:	41	5	6
Lincoln	:	22	9	:	11	:	20	8	14
Nevada	:	:	:	:	:	:	:	:	:
Carson City	:	25	117	:	40	:	42	26	114
Elko	:	39	24	:	21	:	24	40	220
New Mexico	:	:	:	:	:	:	:	:	:
Clayton	:	38	38	:	40	:	44	20	52
Ft. Sumner	:	21	21	:	63	:	48	22	35
Las Cruces (a)	:	:	:	:	:	:	:	:	:
Roswell	:	59	53	:	179	:	161	61	69
Santa Fe	:	68	205	:	207	:	197	64	219
North Dakota	:	:	:	:	:	:	:	:	:
Bismarck	:	15	29	:	12	:	22	15	19
Dickinson	:	7	8	:	7	:	12	7	3
Oklahoma	:	:	:	:	:	:	:	:	:
Guthrie	:	19	8	:	32	:	30	20	9
Oregon	:	:	:	:	:	:	:	:	:
Burns	:	22	14	:	27	:	23	27	13
La Grande	:	60	57	:	30	:	39	62	46
Lakeview	:	46	55	:	41	:	54	46	42
Portland	:	:	2	:	17	:	17	:	2
Roseburg	:	:	39	:	75	:	65	:	49
The Dalles	:	63	37	:	58	:	55	69	34
Vale	:	9	66	:	27	:	23	9	65
South Dakota	:	:	:	:	:	:	:	:	:
Bellefourche	:	4	9	:	27	:	32	4	4
Pierre	:	41	34	:	32	:	31	43	33
Rapid City	:	19	23	:	40	:	37	21	24
Utah	:	:	:	:	:	:	:	:	:
Salt Lake City	:	318	240	:	203	:	215	322	224
Vernal	:	24	60	:	53	:	40	23	74

C.R.

Washington	:	:	:	:	:	:	:	:	:
Seattle	:	:	6	:	3	3	:	6	:
Spokane	:	10	29	:	24	28	12	23	:
Vancouver	:	1	4	:	2	3	1	3	:
Walla Walla	:	13	13	:	8	12	14	8	:
Waterville	:	15	24	:	19	19	12	25	:
Yakima	:	6	:	:	22	20	8	:	:
Wisconsin	:	:	:	:	:	:	:	:	:
Wausau	:	:	4	:	6	9	:	1	:
Wyoming	:	:	:	:	:	:	:	:	:
Buffalo	:	88	56	:	76	98	89	33	:
Cheyenne	:	58	97	:	92	87	68	92	:
Douglas	:	22	104	:	154	148	25	107	:
Evanston (a)	:	:	:	:	:	:	:	:	:
Lander	:	29	25	:	59	62	33	18	:
Newcastle	:	47	92	:	56	81	53	61	:
Total,	:	3,163	3,939	:	1 : 3,981	4,411	3,099	3,574	:

Note (a) No report received from these offices.

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TELL THE BULLETIN.

To All Local Offices and Field Service Employees:

If anything occurs, in the public land service, which you think is of administrative value, tell us about it. Address all communications to the Commissioner of the General Land Office, "Land Service Bulletin." All information should be received not later than the 24th of each month for use in the current number.

Hawkins





